

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, July 30, 2009 3:30 P.M.
City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF JULY 16, 2009, ZONING COMMITTEE MINUTES

OLD BUSINESS

- 1 09-089-752 Walgreens (Ford Parkway)**
Site plan review for a new Walgreen's Drug Store.
2101 Ford Pkwy
B2
Tom Beach 266-9086

NEW BUSINESS

- 2 09-097-851 J & S Bean Factory**
Conditional Use Permit for a coffee shop larger than 800 sq. ft. gross floor area
1518 Randolph Ave, SE corner at Saratoga
B1
Sarah Zorn 651-266-6570
- 3 09-096-915 Teng Her**
Re-establishment of legal nonconforming use as a duplex
667 Edmund Ave, between St. Albans and Dale
R4
Luis Pereira 651-266-6591

- | | | |
|----------|---|------------------------------|
| 4 | 09-096-093 Kevin and Debora Boyd | Laid Over for 2 weeks |
|----------|---|------------------------------|

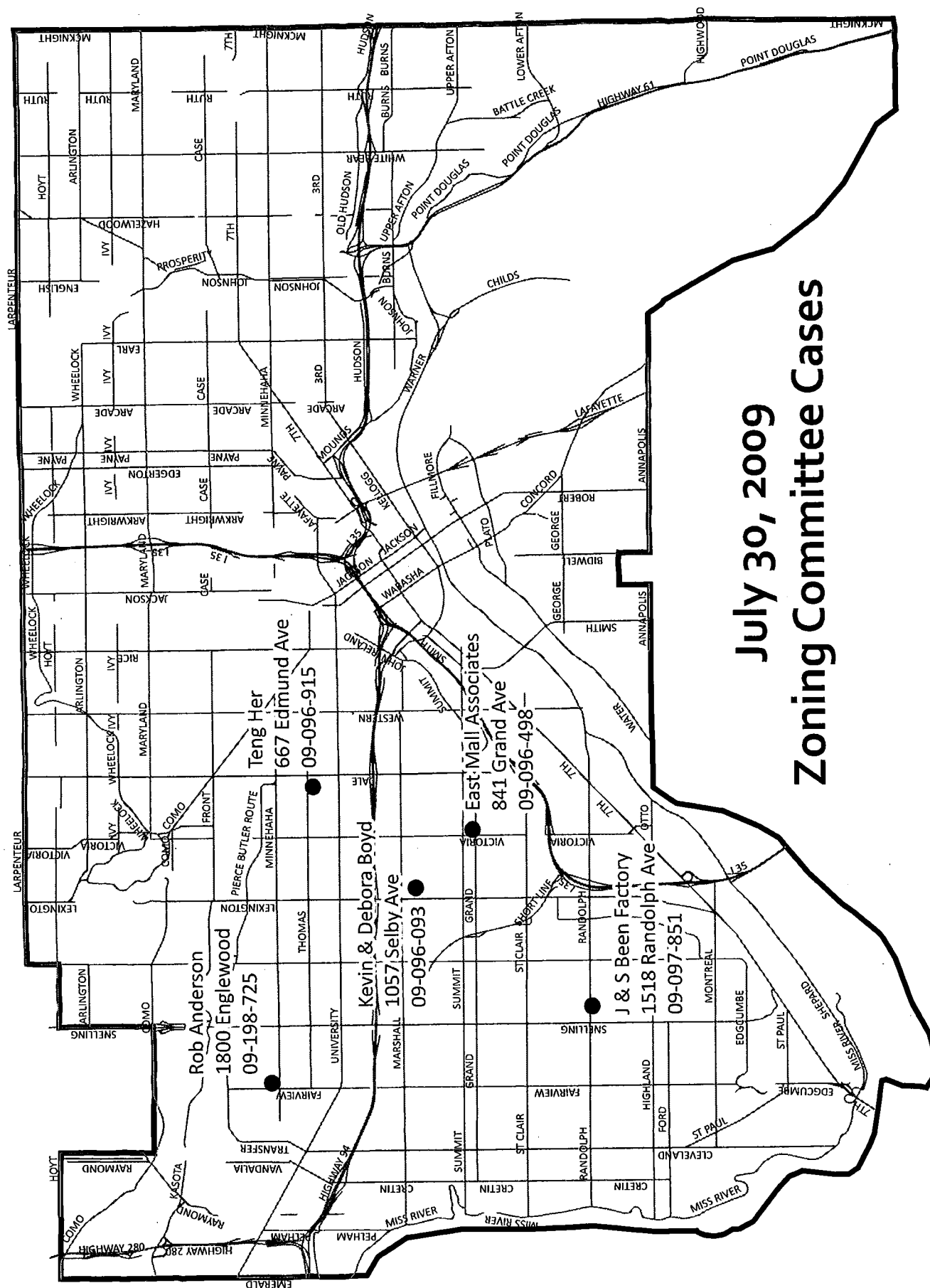
Rezoning from RM2 Medium-Density Multiple-Family Residential to
VP Vehicular Parking to provide additional parking for Lifetime Legacy
1057 Selby Ave, between Oxford and Lexington
RM2
Emily Goodman 651-266-6551

- 5 09-096-498 East Mall Associates**
Rezoning from BC Community Business (converted) to B2 Community Business
841 Grand Ave, between Victoria and Avon
BC
Emily Goodman 651-266-6551
- 6 09-198-725 Rob Anderson**
Enlargement of nonconforming duplex, adding third floor living space for second floor unit
1800 Englewood Ave, between Fairview and Wheeler
R4
Sarah Zorn 651-266-6570

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



July 30, 2009 Zoning Committee Cases



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806*

*Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi*

Date July 22, 2009
To Zoning Committee
From Tom Beach
RE Site plan review for Walgreens at Ford and Finn

The Zoning Committee laid over the site plan for Walgreens until July 30. The purpose of the layover was to get more information about traffic, the bus shelter on Ford and how the comprehensive plan affects the site plan.

Attached are:

- Staff report
- Comments from Public Works Traffic Division
- Updated Traffic Impact Statement (Prepared by Wenck Associates and dated , 2009)
- Summary of the District 15 Highland Park Neighborhood Plan (adopted as part of the Comprehensive Plan)
- Email from a neighbor that was left out of the previous packet.

Staff also anticipates that the following will be ready for the July 30 meeting:

- Response from the City Attorney regarding the Comprehensive Plan
- Update on Ford Parkway bus shelter

JB

ZONING COMMITTEE STAFF REPORT

FILE # 09 089752

1. **APPLICANT:** Semper Development Ltd. **HEARING DATE:** 7/16/09
 2. **TYPE OF APPLICATION:** Site Plan Review
 3. **LOCATION:** 2101 Ford Pkwy
 4. **PIN & LEGAL DESCRIPTION:** 172823110083
Saint Catherine Park Lots 18 And Lot 19 Blk 9
 5. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B2
 6. **ZONING CODE REFERENCE:** 61.402.c
 7. **STAFF REPORT DATE:** 7/9/09 **BY:** Tom Beach
 8. **DATE RECEIVED:** 6/16/09 **DEADLINE FOR ACTION:** 8/15/09
-

- A. **PURPOSE:** Site plan review for a new Walgreens store
- B. **PARCEL SIZE:** 27,061 square feet (215 x 125')
- C. **EXISTING LAND USE:** Gas station (vacant) and a one-story retail building.
- D. **SURROUNDING LAND USE:**
North: Single-family residential (R4)
East: Commercial (B2)
South: Commercial (B2)
West: Parking ramp and commercial (B2)
- E. **ZONING CODE CITATION:** 61.402.c
- F. **PROJECT OVERVIEW:** The site currently has two businesses: a gas station (that is not currently open) and a one-story retail building. Walgreens plans to demolish these existing buildings.

Walgreens will construct a new store with a main floor (9,483 square feet of floor area) and an unfinished basement that will be used for storage (4,500 square feet).

The exterior of the building will be a combination of brick and manufactured stone. The entrance to the building will be at the southwest corner of the building, facing Ford Parkway and the parking lot. There will be windows on all four sides of the building, with most of them on the front side (facing Ford Parkway) and the west side (facing the parking lot). Some of the windows will be clear glass that will allow views into and out of the building. The other windows will be spandrel glass which is opaque.

The store will have 41 off-street parking spaces (38 spaces in a lot on the west half of the site and 3 parking spaces behind the building). 38 off-street parking spaces are required for a building of this size by the zoning code.

Access to the parking lot will be from two driveways: one on Ford Parkway and one on Finn Street. Access on Ford will be restricted to Right-In and Right-Out.

Most deliveries will be from small truck that park in the parking lot in bring goods in through the front door. A large truck will come once a week and make a delivery using a door at the back of the building. The building is set 13' off of the alley so that the truck can park without blocking the alley.

The parking lot will be heavily landscaped on the sides facing Ford and Finn with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

A monument sign is proposed along Ford Parkway, in addition to signs on the building.

G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 had not taken a formal position on the site plan at the time this staff report was written. However, there is a lot of interest in the project and there have been a number of community meetings about the project.

H. **FINDINGS:** Section 61.402.c of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan is consistent with this finding. The District 15 Highland Park Neighborhood Plan calls for "incorporat[ing] a mix of uses and a pedestrian-friendly environment in commercial areas." (The plan also supports rezoning portions of Highland Village to TN2 which would bring additional design standards but this has not been done.)

2. *Applicable ordinances of the City of Saint Paul.*

The site plan is consistent with this finding. The proposed use is permitted in the B2 zoning district. The site plan meets all zoning requirements including minimum number of parking spaces, setbacks, lot coverage, building height.

The City's has design standards for pedestrian oriented commercial areas (Section 63.110.c).

- These standards say that buildings must "hold the corner – that is have street facades at or near the sidewalks on both streets ... unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable." In this case, the proposed building is up to the street on Ford Parkway but the parking lot fronts on Finn Street. However, moving the building so that it fronts on Finn would make it difficult to provide a driveway on Finn so that the only driveway would have to be on Ford Parkway. This is not acceptable given the traffic conditions on Ford. In addition, hold the corner is not as critical in this case because Finn is not a typical street – it is a dead-end street that stops at the alley.
- The design standards say that "buildings shall have windows and door openings facing the street." However, the standards do not specify how many windows or whether they need to be clear glass. In this case, given the context of the other commercial buildings in the area with large, clear windows, it is reasonable to apply the TN2 standards and make this a condition of approval for the site plan. These standards say that 50% of the frontage of the first floor must have clear windows that allow views into and out of the building. The applicant has revised the building so that it meets this standard.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan is consistent with this finding. The site does not have unique geologic or geographic characteristics. The proposed development will be in keeping with the character of the area as it has developed over the last 60 years.

The gas tanks from the existing old station will be removed as a part of the demolition under a permit from the City.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan is consistent with this finding. Surface water will be directed to the City storm sewer system. The parking lot will be screened from residents across the alley to the north. Views, light and air will not be affected.

There is currently a problem with cars driving north on Finn from Ford Parkway and then going into the alley behind the site (even though the alleys have "Do Not Enter" signs.) The site plan includes a curbed island in Finn Street to make it harder for cars to enter the alley from Finn.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan is consistent with this finding. The site plan will limit the impact on the residential property to the north across the alley. The location of the driveways will minimize the impact on Ford Parkway. The building is built up to the sidewalk on Ford Parkway so that it is consistent with the existing buildings on the north side of Ford.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan is consistent with this finding. The site plan meets current standard practices for landscaping, site layout and building design.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The intersection of Ford and Finn already has a high level of traffic and so Saint Paul Public Works asked Wagreens to submit a Traffic Impact Study for the project. The main recommendation in the study is to widen Finn a few feet so that an additional southbound lane can be added. (The full Conclusions and Recommendation section of the study is included in the packet.) Public Works had not completed its review of the Traffic Impact Study at the time this report was written but they should have comments ready before the public hearing on July 16.

The site plans shows two driveways. There are currently has 4 driveways. The proposed driveway on Ford Parkway would be configured to limit cars to Right-In and Right-Out only.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan is consistent with this finding. The site plan has been reviewed by Public Works and they have determined that it meets City standards subject to some minor changes.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The site plan is consistent with this finding. The parking lot will be heavily landscaped on the sides facing Ford and Finn with trees shrubs and an ornamental metal fence. The parking lot will have a privacy fence and shrubs on the side facing the alley.

The site plan shows that 41 off-street parking spaces will be provided. The zoning code requires a minimum of 38 spaces. (For purposes of comparison, the two existing businesses on the site have a total of 15 off-street parking spaces.)

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan is consistent with this finding. Two accessible parking spaces will be located near the entrance to the building. The entrance to the building will be accessible from the public sidewalk.

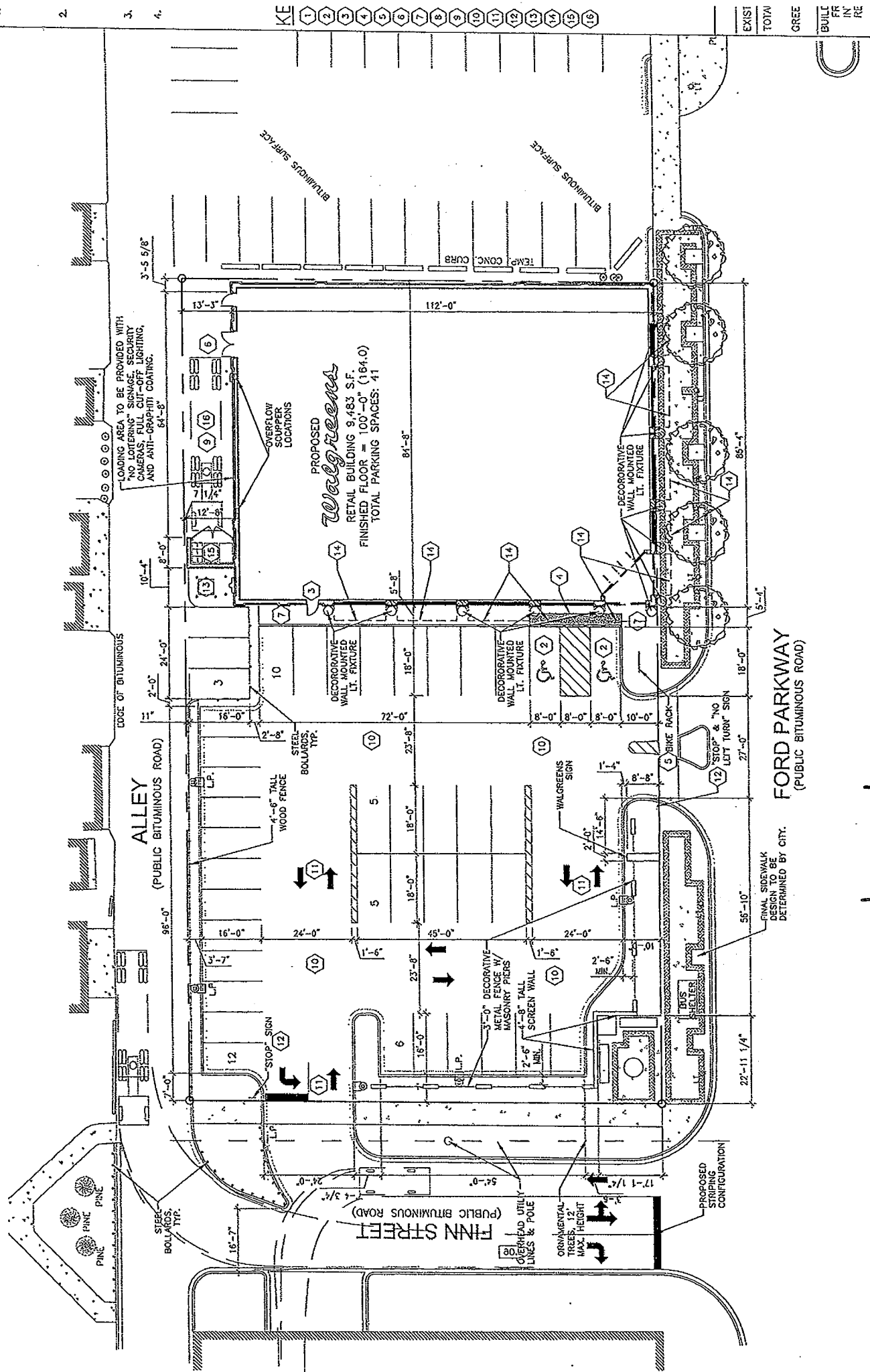
11. *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook."*

The site plan is consistent with this finding. The site plan shows that erosion and sediment control measures will be used during construction, including silt fences, rock construction entrances, inlet protection and street sweeping.

J. STAFF RECOMMENDATION:

Based on the findings above, the staff recommends approval of the site plan to allow construction of a new retail store at 2101 Ford Parkway, subject to the following conditions:

1. The site plan must be approved by Public Works Traffic Division.
2. Final plans for sewers and stormwater drainage must be approved by Public Works Sewer Division.



Site plan

North

[illegible]

Landscapes plan

To: Tom Beach
DSI, 375 Jackson

From: Linda Murphy
Traffic Engineering, 800 CHA

Re: Traffic Issues with Proposed Walgreen's at Ford & Finn

Date: July 21, 2009

Wenck Associates submitted a Traffic Impact Study (TIS) for the proposed use at the northeast corner of Ford Parkway and Finn Street. Based on their study we recommend the developer make the following improvements:

- Their driveway on Ford Parkway shall be restricted to right-in/right-out access only. To accomplish this, they will be required to not only install signs, but to construct a "pork-chop" in the driveway to make it physically difficult to make the restricted movements.
- They shall be responsible for constructing a protruding curved island as part of their driveway on Finn Street to help prevent drivers from heading north on Finn and vehicles exiting the Finn Street driveway from entering the one-way alleys. Trucks exiting the alley west of Finn would not be able to make the turn without driving over a portion of this island. To make this work they will need to keep the tree and landscaping away from the point and construct the curb so that trucks can safely drive over it.
- They shall be responsible for the widening and reconstruction of Finn Street as shown on the attached plan. This includes, but is not limited to, curb, gutter, sidewalk, pavement, drainage structures, striping, signs, and relocation of any affected signal system infrastructure (loop detectors, mast arm pole and possibly the controller cabinet on the northwest corner of Finn and Ford, as well as a couple of pull boxes, conduit, detector cable and a power source in the Finn Avenue boulevard).
- Parking should be banned on the north side of Ford Parkway along the site to improve site distance for their driveway on Ford and allow westbound traffic on Ford to access the site outside of the westbound through lane.
- They shall submit a revised TIS based on the recommended changes to the lane configurations at the intersection of Ford Parkway and Finn Street. At our request, their traffic engineer has also investigated the effects of a north/south split signal phasing scheme at this intersection.

At this point Traffic Engineering has reason to believe that Walgreen's can make this work, that traffic issues will be resolved, that the intersection of Finn & Ford will function at an acceptable level, and the added traffic on Finn will not worsen the congestion, due to the improvements the developer will be required to make. We need to review their revised TIS before we can take a more definitive stand.

lcm

Traffic Impact Study for Walgreens

2111 Ford Parkway
St. Paul, MN

Wenck File #2271-03

Prepared for:

SEMPER DEVELOPMENT

Prepared by:

WENCK ASSOCIATES, INC.
1800 Pioneer Creek Center
P.O. Box 249
Maple Plain, Minnesota 55359-0249
(763) 479-4200

FINAL
July 22, 2009



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1.0 Executive Summary

The purpose of this Traffic Impact Study is to evaluate the impacts of the proposed Walgreens located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection.

This study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley

The proposed project consists of removing the existing vacant gasoline station and adjacent retail building and constructing a new 12,983 square foot Walgreens building with on-site surface parking. The proposed building consists of 9,483 square feet of retail space and 3,500 square feet of storage in the basement level, for a total area of 12,983 square feet.

The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only. The project is expected to be complete in 2010.

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 42 trips during the weekday a.m. peak hour, 109 trips during the weekday p.m. peak hour, and 1,169 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane for the entire length between Ford Parkway and the ramp/development access. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot right turn lane, a 10 foot southbound through-left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection should be accommodated by the proposed site plan, or a new bus stop location should be coordinated with transit services.

- Consider a no parking restriction on the north side of Ford Parkway along the property frontage. This restriction would improve sight distance at the proposed right-in/right-out and allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

2.0 Purpose and Background

The purpose of this Traffic Impact Study is to evaluate the impacts of the proposed Walgreens store located in St. Paul, MN. The project site is located in the northeast quadrant of the Ford Parkway/Finn Street intersection, as shown in **Figure 1**.

This study examined traffic impacts of the proposed development on the following intersections:

- Ford Parkway/Finn Street
- Finn Street/Ramp Access
- Finn Street/Public Alley

Proposed Development Characteristics

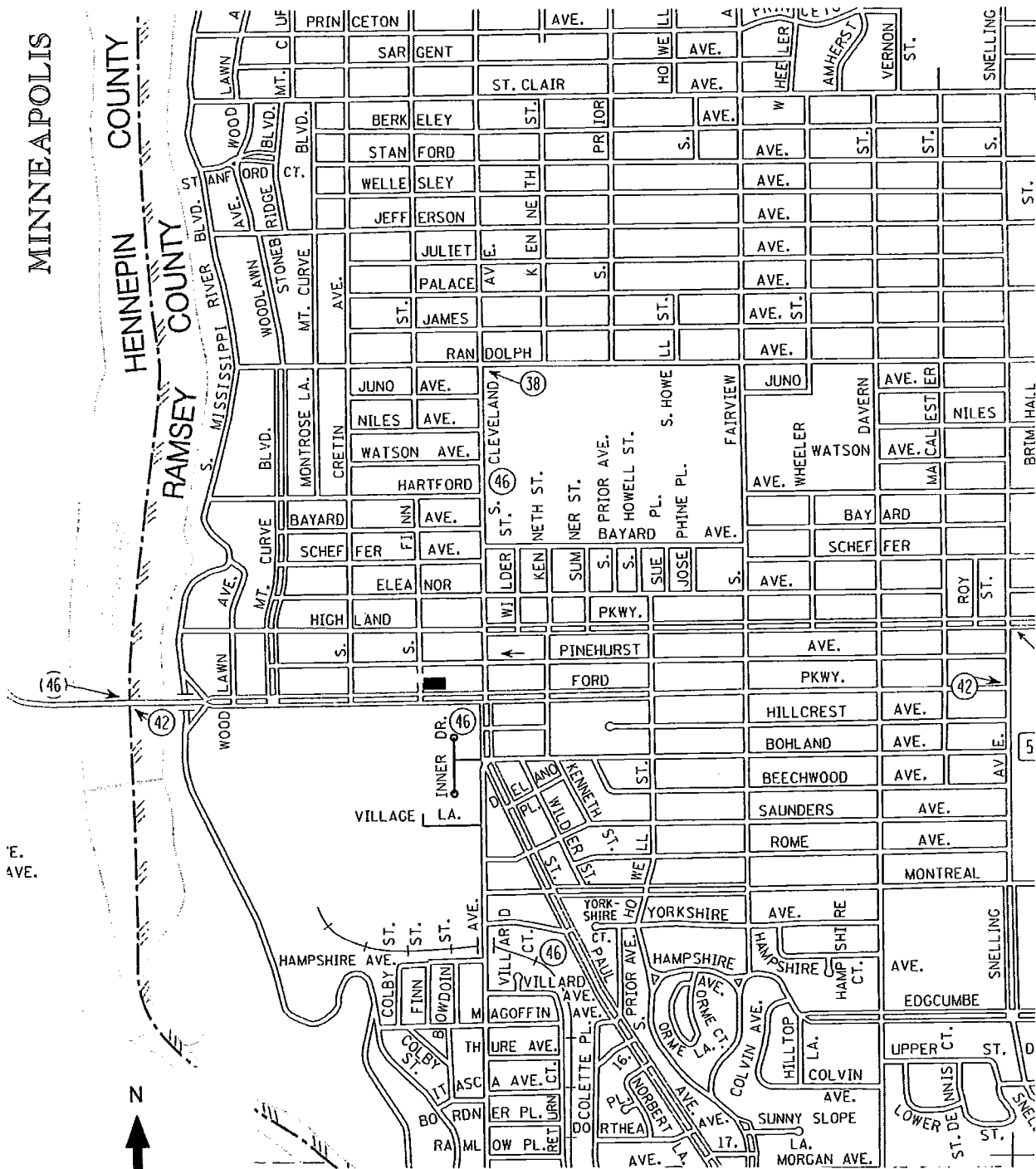
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The property has a total of four existing access driveways, two full-access driveways to Ford Parkway and two full-access driveways to Finn Street. The proposed plan reduces the number of access driveways by two, with one to Ford Parkway and one to Finn Street. The proposed access to Ford Parkway is restricted to right-in/right-out movements only.

The current site plan is shown in **Figure 2**. The project is expected to be complete in 2010.

MINNEAPOLIS

HENNEPIN COUNTY
RAMSEY COUNTY



APPROXIMATE SCALE



■ PROJECT LOCATION



TRAFFIC IMPACT STUDY
FOR WALGREENS
IN ST. PAUL, MN

FIGURE 1
PROJECT LOCATION

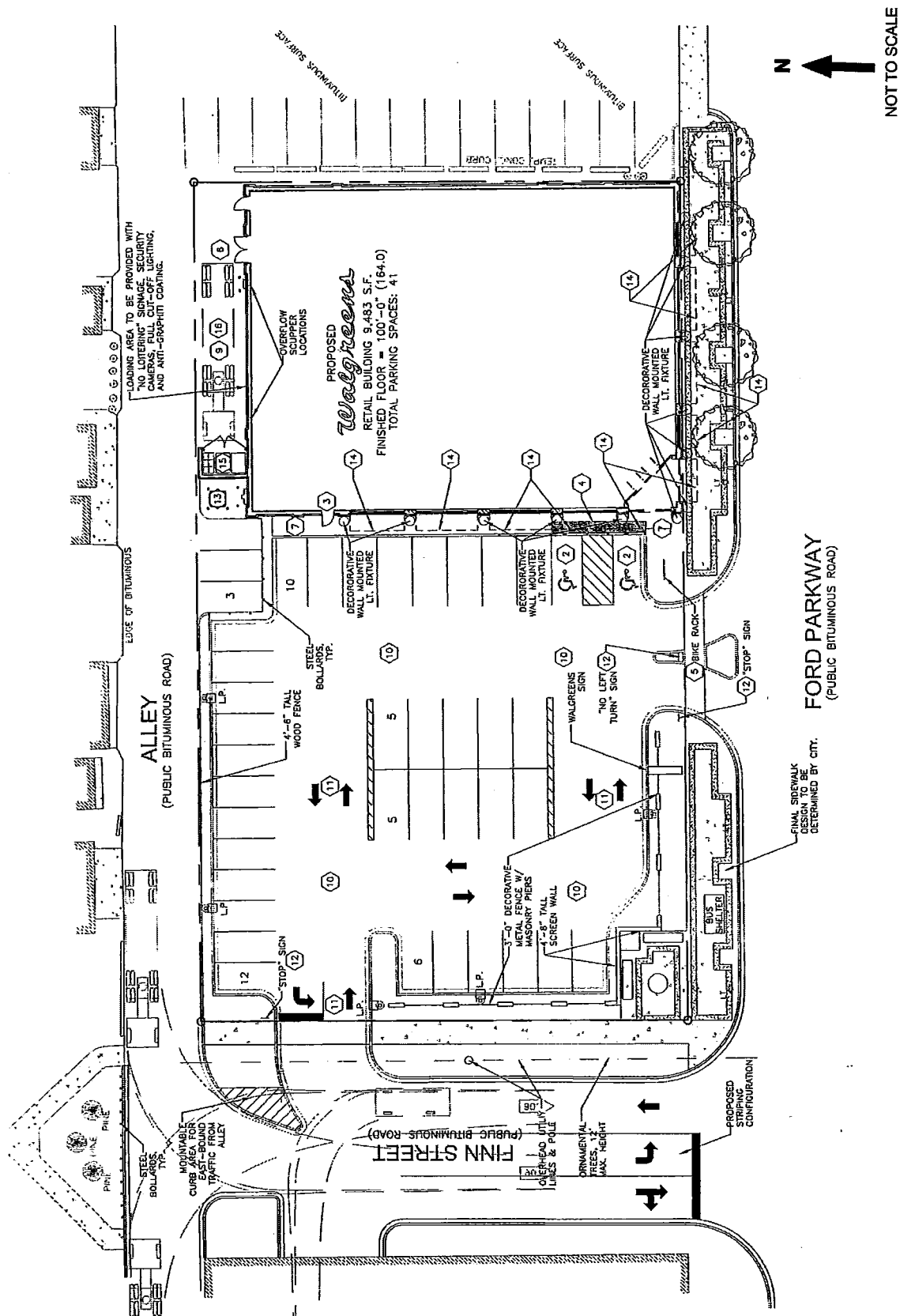


FIGURE 2
CURRENT SITE PLAN

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN

3.0 Existing Conditions

The proposed site currently consists of a gasoline service station (no longer operating) and a commercial building. The project site is bounded by Ford Parkway on the south, Finn Street on the west, a one-way public alley on the north, and commercial land uses on the east. Ford Parkway along the property frontage is an undivided five-lane section. Raised medians on Ford Parkway are introduced both east and west of the site. Finn Street along the property frontage is a two-way street that dead ends at the public alley adjacent to the site. The public alley is a narrow one-way alley that accommodates westbound vehicles east of Finn Street and eastbound vehicles west of Finn Street.

Along the property frontage, transit shelters and designated bus stops exist on the westbound approach both on the north and south sides of Ford Parkway. On-street parking is currently allowed along the property frontage except in the vicinity of the bus stop.

Existing conditions are shown in **Figure 3**.

Ford Parkway/Finn Street

The signalized intersection of Ford Parkway/Finn Street provides one dedicated left turn lane, one through lane, and one through-right turn lane on both the eastbound and westbound approaches. The southbound approach consists of one lane for all movements. The northbound approach consists of one through-left turn lane and one right turn lane. A site visit revealed that pavement markings for the northbound approach lack designation for the northbound through movement (only a left arrow and right arrow are shown).

Finn Street/Ramp Access

Although not signed, both eastbound and westbound driveways cross sidewalks along Finn Street and are required to stop by state statute. The northbound and southbound approaches are uncontrolled. This intersection designates the northern limit of two-way operation for this segment of Finn Street. One traffic lane accommodates all legal movements for each approach.

Finn Street/Public Alley

This “tee” intersection is uncontrolled and consists of eastbound one-way travel west of Finn Street and westbound one-way travel east of Finn Street. Although the pavement width exists, there are no northbound lanes approaching this intersection.

Turn movement data was collected at the intersections during the weekday a.m. and p.m. peak periods in June, 2009.



FIGURE 3
EXISTING CONDITIONS

TRAFFIC IMPACT STUDY FOR
WALGREENS IN ST. PAUL, MN

4.0 Traffic Forecasts

Traffic Forecast Scenarios

To adequately address the impacts of the proposed project, forecasts and analyses were completed for the year 2011. Specifically, weekday a.m. and p.m. peak hour traffic forecasts were completed for the following scenarios:

- *Existing (2009)*. Existing volumes were determined through traffic counts at the subject intersections.
- *2011 No-Build*. Existing volumes at the subject intersections were increased by two percent per year to determine 2011 No-Build volumes. Due to the developed nature of the area, the two percent per year growth rate provides a conservative analysis.
- *2011 Build*. Trips generated by the proposed Walgreens were added to the 2011 No-Build volumes to determine 2011 Build volumes.

Trip Generation of Proposed Use

Weekday a.m. and p.m. peak hour trip generation for the proposed development were calculated based on data presented in the eighth edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The resultant trip generation is shown in **Table 1** and **Table 2** for a.m. and p.m. respectively.

Table 1
Typical Weekday AM Peak Hour Trip Generation for Walgreens

| Land Use | Size | Unit | New Vehicle Trips | | Pass-By Vehicle Trips | | Total Weekday Trips |
|-----------|--------|------|-------------------|-----|-----------------------|-----|---------------------|
| | | | IN | OUT | IN | OUT | |
| Walgreens | 12,983 | GFA | 17 | 12 | 8 | 5 | 1169 |

1. GFA = Gross Floor Area

Table 2
Typical Weekday PM Peak Hour Trip Generation for Walgreens

| Land Use | Size | Unit | New Vehicle Trips | | Pass-By Vehicle Trips | | Total Weekday Trips |
|-----------|--------|------|-------------------|-----|-----------------------|-----|---------------------|
| | | | IN | OUT | IN | OUT | |
| Walgreens | 12,983 | GFA | 38 | 38 | 17 | 16 | 1169 |

1. GFA = Gross Floor Area

The trips shown in **Table 1** and **Table 2** are classified into two categories:

- New Vehicle Trips – Trips solely to and from the proposed development

- **Pass-By Vehicle Trips** – Trips made as intermediate stops “on the way” from an origin to a primary destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the site. Pass-by trips for this study include “through” trips on Ford Parkway.

The percentage of trips assigned to each trip type described above was based on data provided in the ITE Trip Generation Handbook, Second Edition. Based on this data, 70 percent of the total trips are new trips and 30 percent are pass-by trips.

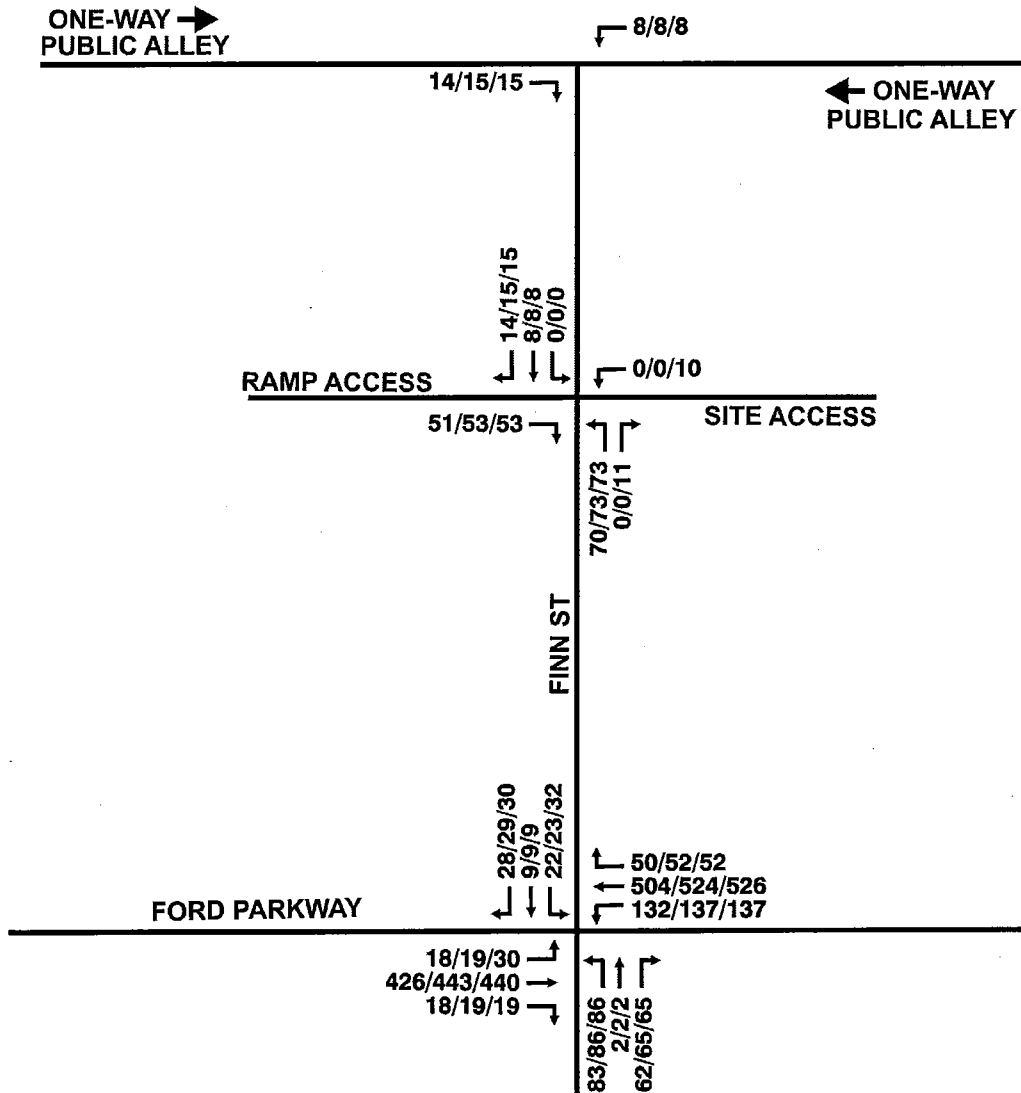
Trip Distribution Percentages

Trip distribution percentages for the subject development trips were established based on the nearby roadway network, existing and expected future traffic patterns, and location of the subject development in relation to major attractions and population concentrations. The distribution percentages for new trips generated by the proposed development are as follows:

- 55% to/from the east on Ford Parkway
- 45% to/from the west on Ford Parkway

Traffic Volumes

Development trips were assigned to the surrounding roadway network using the preceding trip distribution percentages. Traffic volumes were established for all the forecasting scenarios described earlier during both the weekday a.m. and p.m. peak hours. The resultant traffic volumes are presented in **Figures 4 and 5**.



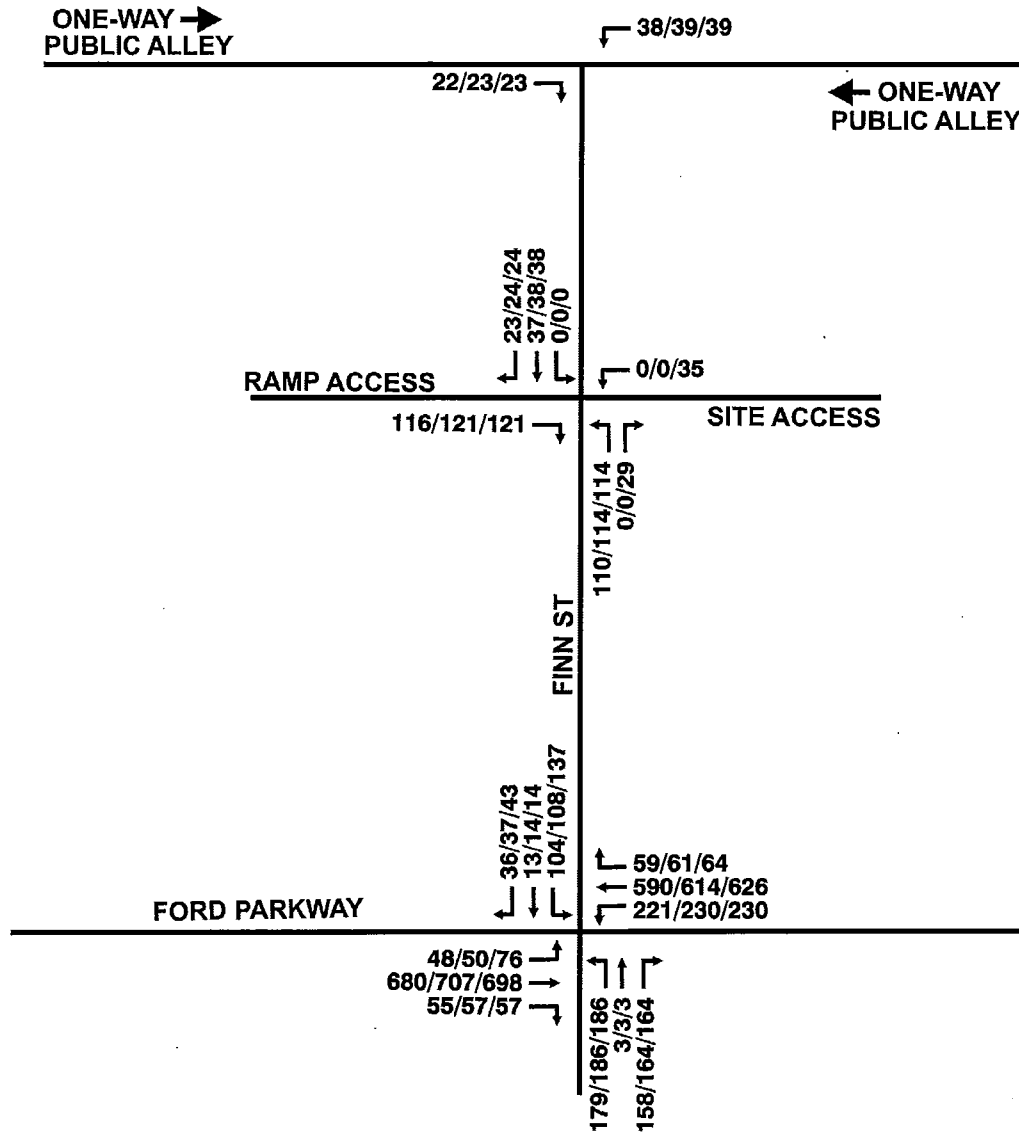
Existing(2009)
2011 NO-BUILD
2011 BUILD

XX/XX/XX

N

↑

NOT TO SCALE



Existing(2009)
 2011 NO-BUILD
 2011 BUILD
 XX/XX/XX

N

 NOT TO SCALE

5.0 Traffic Analysis

Intersection Level of Service Analysis

Traffic analyses were completed for the subject intersections for all scenarios described earlier during both the weekday a.m. and p.m. peak hours using Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Capacity analysis results are presented in terms of level of service (LOS), which range from A to F. LOS A represents the best intersection operation, with very little delay for each vehicle using the intersection. LOS F represents the worst intersection operation, with excessive delay for each vehicle using the intersection. Level of service results are shown in **Figures 6 and 7**. Discussion for each individual intersection is provided below.

Ford Parkway/Finn Street (signalized) - During the a.m. peak hour under all scenarios, all movements operate at LOS D or better and the overall intersection operates at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements except the southbound movements operate at LOS D or better and the overall intersection operates at LOS C. The southbound movements operate at LOS D under 2009 and 2011 No Build conditions and LOS E under 2011 Build conditions.

During the 2011 Build condition, an additional southbound approach lane improves the p.m. peak hour LOS for the southbound through-right turn movements to LOS B. The LOS for southbound left turns remains unchanged. The overall intersection operates at LOS B.

Finn Street/Ramp Access (driveways are stop controlled) - During the a.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS B or better. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.







Finn Street/Public Alley (uncontrolled) - During the a.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the a.m. peak hour to accommodate the proposed development.

During the p.m. peak hour under all scenarios, all movements operate at LOS A. No improvements are necessary at this intersection during the p.m. peak hour to accommodate the proposed development.

Southbound Vehicle Queue Lengths at Ford Parkway

The 95th percentile maximum queue lengths were estimated using the Synchro software. Initial analysis was completed using existing geometrics, control, and signal timing. Mitigation analysis was completed with an additional southbound approach lane. The available storage for this movement is approximately 80 feet. The resultant queue lengths are shown in **Table 3**.

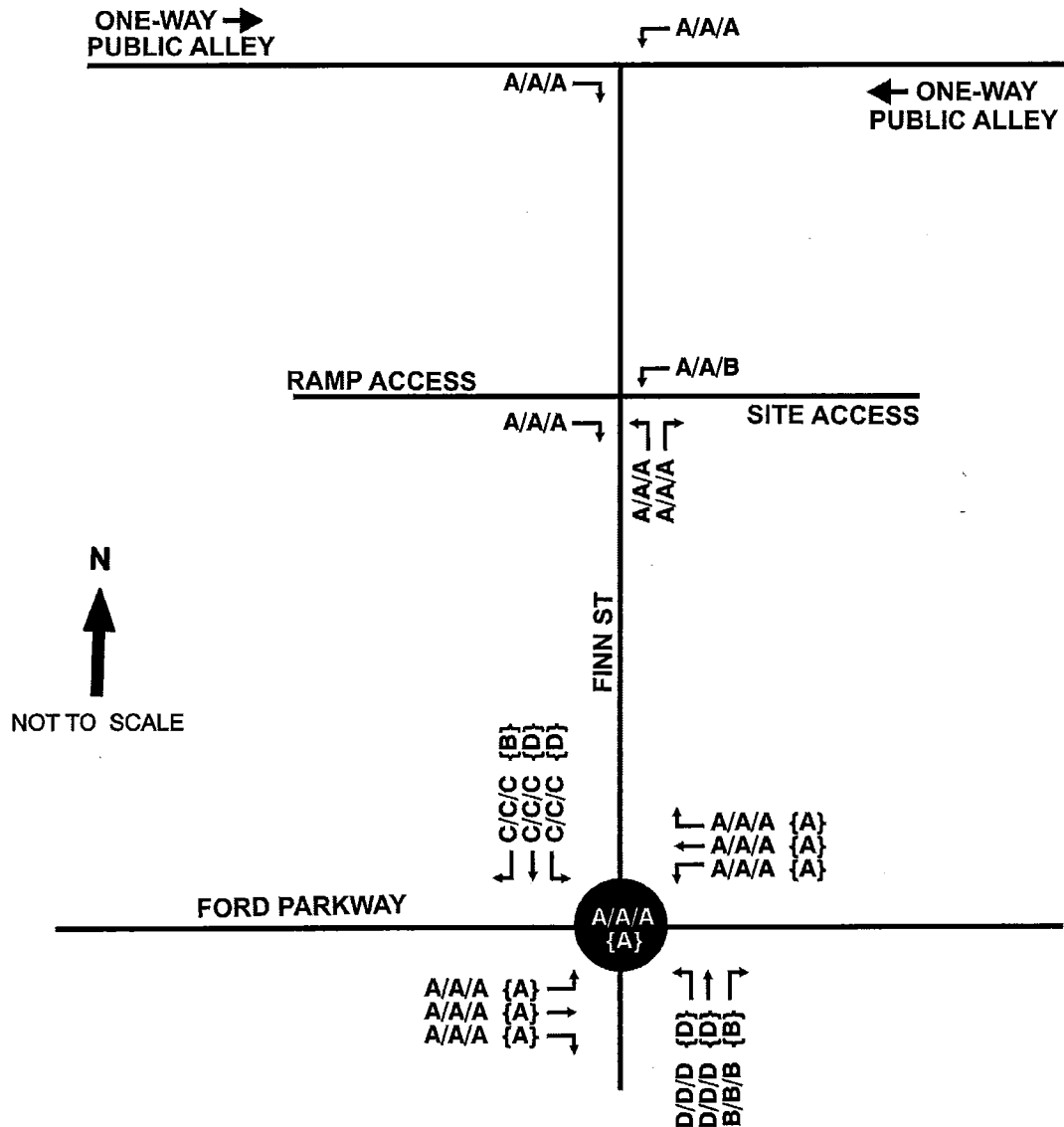
Table 3
Weekday A.M. and P.M. Peak Hour
95th Percentile Vehicle Queue Lengths For Southbound Finn Street (in feet)

| AM | Existing Geometry (single southbound lane for Finn Street) | Mitigation Geometry (two southbound lanes for Finn Street) | |
|---------------|---|---|---|
| |  |  |  |
| 2009 Existing | 55 | | |
| 2011 No Build | 56 | | |
| 2011 Build | 66 | 35 | 47 |
| PM | Existing Geometry (single southbound lane for Finn Street) | Mitigation Geometry (two southbound lanes for Finn Street) | |
| |  |  |  |
| 2009 Existing | 159 | | |
| 2011 No Build | 165 | | |
| 2011 Build | 206 | 39 | 158 |

As presented in **Table 3**, during the a.m. peak hour the 95th percentile queue with the existing lane geometry is less than the available storage for all scenarios (i.e. less than 80 feet). The a.m. peak hour queue lengths for the build scenario are reduced further under the mitigation geometry. During the p.m. peak hour, the 95th percentile queue with the existing lane geometry is greater than the available storage for all scenarios (i.e. greater than 80 feet). The p.m. peak hour queue lengths for the build scenario are reduced slightly below the 2009 Existing queue length under the mitigation geometry; however, the queue length for the left turn lane remains greater than the available storage. For the build scenario, operations under the proposed mitigation result in queue lengths for the left turn very close to those currently experienced for this movement.

Recommended Street Configuration for Finn Street

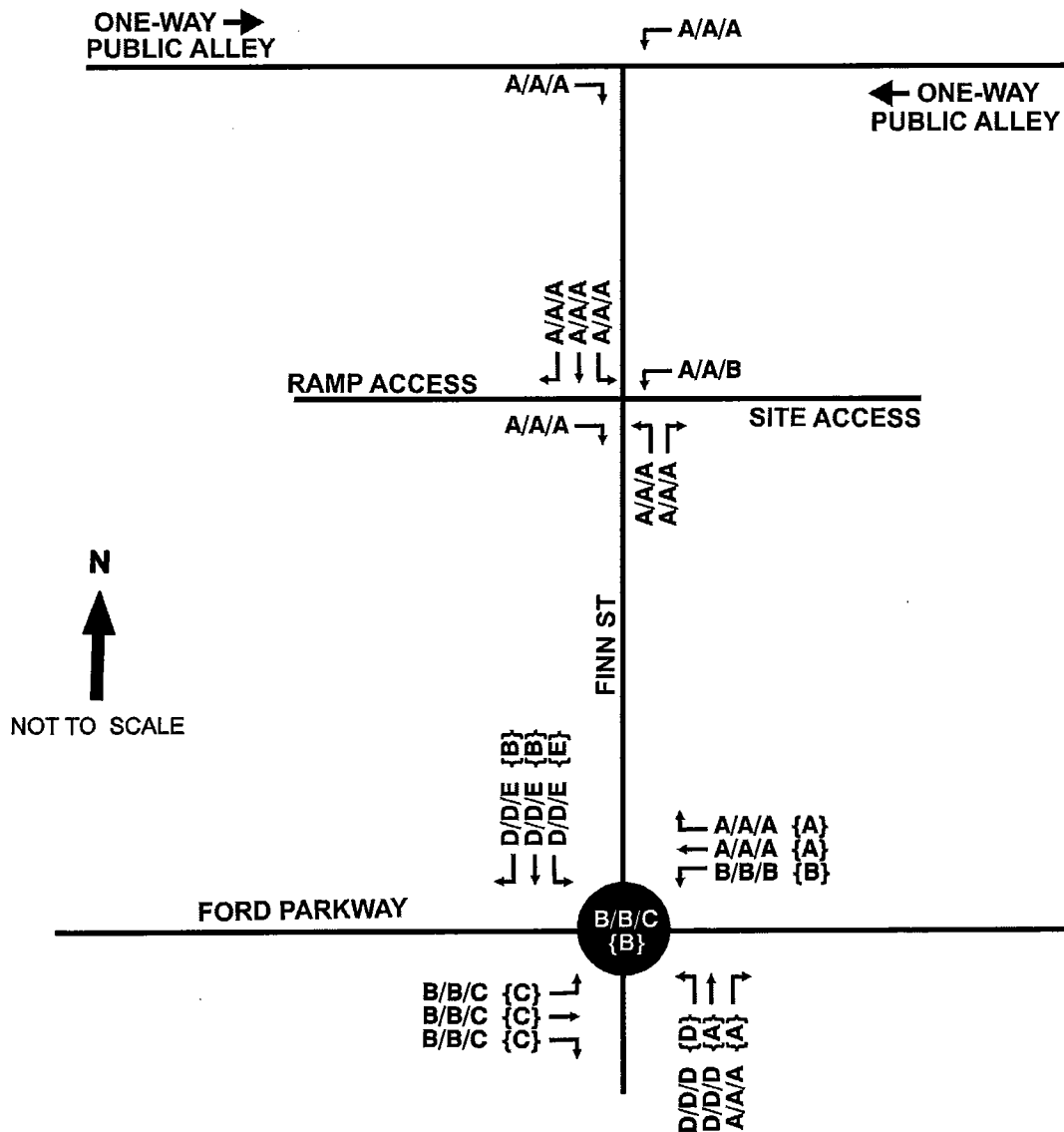
Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane for the entire length between Ford Parkway and the ramp/development access. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot right turn lane, a 10 foot southbound through-left turn lane, and a 14 foot northbound lane.



Note:

Mitigation at the Ford Parkway/Finn Street intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as exclusive left turn lane, the other as a through-right turn lane.

Existing(2009)
2011 NO-BUILD
2011 BUILD
XX/XX/XX {BUILD LOS WITH MITIGATION}



Note:

Mitigation at the Ford Parkway/Finn Street intersection consists of adding an additional southbound approach lane to provide two lanes on this approach, one functioning as exclusive left turn lane, the other as a through-right turn lane.

XX/XX/XX {BUILD LOS WITH MITIGATION}

6.0 Conclusions and Recommendations

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 42 trips during the weekday AM peak hour, 109 trips during the weekday p.m. peak hour, and 1,169 weekday daily trips.
- The intersections of Finn Street/Ramp Access and Finn Street/Public Alley have adequate capacity with existing geometrics and control to accommodate the proposed development while maintaining acceptable levels of service.
- Based on the level of service analysis, queuing analysis results, and discussions with the City, the recommended lane configuration for the southbound approach of Finn Street is a southbound left turn lane and a southbound through-right turn lane for the entire length between Ford Parkway and the ramp/development access. The existing roadway width of this segment is 29.5 feet face of curb to face of curb. The recommended width is 36 feet face of curb to face of curb. This width would accommodate a southbound 12 foot right turn lane, a 10 foot southbound through-left turn lane, and a 14 foot northbound lane.
- The transit shelter and bus stop located in the northeast quadrant of the Ford Parkway/Finn Street intersection should be accommodated by the proposed site plan, or a new bus stop location should be coordinated with transit services.
- Consider a no parking restriction on the north side of Ford Parkway along the property frontage. This restriction would improve sight distance at the proposed right-in/right-out and allow westbound vehicles on Ford Parkway to access the site outside of the westbound through lane.
- The existing northbound approach lanes at the intersection of Ford Parkway/Finn Street consist of a left turn and right turn only designation. Modify the existing northbound pavement markings to correlate with the left turn lane and through-right turn only usage.

7.0 Appendix

Trip Generation Worksheet

Area Plan Summary

District 15 Highland Park Neighborhood Plan

Addendum to The Comprehensive Plan for Saint Paul

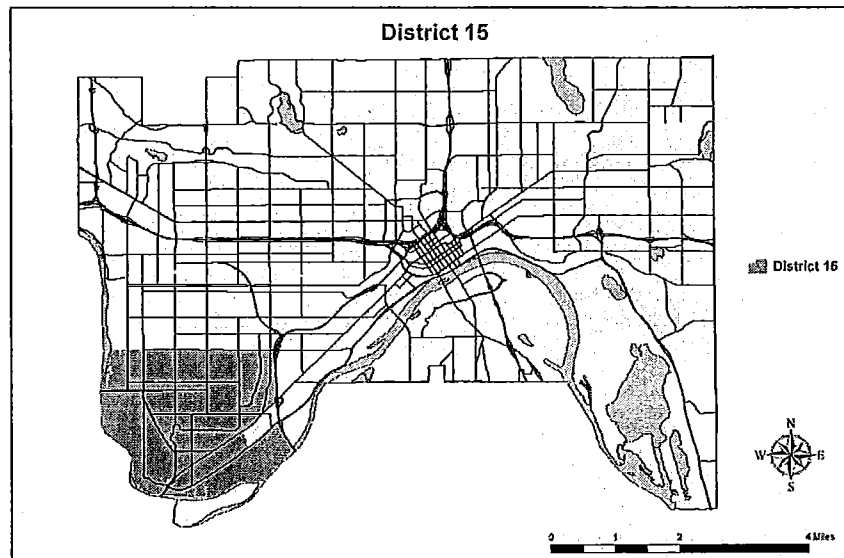
Recommended by the Planning Commission April 20, 2007

Adopted by the City Council July 18, 2007

*This summary appends to the Saint Paul Comprehensive Plan the vision and strategies of the **District 15 Highland Park Neighborhood Plan** and replaces the Highland Park District Plan adopted in 1979. The **District 15 Highland Park Neighborhood Plan** consists of eight major areas of focus, including (1) Commercial Districts, (2) Housing, (3) Urban Design, (4) Transportation, (5) Parks, Recreation, and Libraries (6) Environment, (7) Public Safety, and (8) Education. The full-length plan, used for reference in the creation of this Area Plan Summary, was not itself adopted by the City and may include some policy differences. Copies of the full-length plan are available for review at the Saint Paul Department of Planning and Economic Development and the offices of the Highland Park District Council.*

Location

The Highland Park neighborhood is bounded by Randolph Avenue on the north, the Mississippi River on the west and south, and I-35 on the east, with the exception of a small wedge shape east of Homer Street between Shepard Road and West 7th Street that belongs to District 9.



Location of District 15 Highland Park Area in City of St. Paul

Vision

Highland Park seeks to strengthen its place as one of the best places to live, work and recreate in the City of St. Paul. The community aims to foster an environment that respects and enriches the mutually beneficial relationship between residential livability and commercial vitality by stressing its values, including quality of life, diversity of culture and pride in our community.

Through the implementation of this Plan, the community strives to:

- incorporate a mix of uses and a pedestrian-friendly street environment in commercial areas
- provide services that contribute to neighborhood self-sufficiency while improving the District's position in the regional economy
- maintain high-quality housing stock through physical maintenance and community interaction that promotes pride and safety
- welcome residents from a broad spectrum of age groups and income levels with new housing units that are high quality as well as affordable
- protect and expand access to the district's natural amenities including parks, trails, views and recreational facilities
- enhance environmental consciousness to reduce the negative impacts of humans on the environment
- encourage proactive planning for the Ford Plant site, while continuing to support the invaluable asset it provides
- maintain a high level of safety through community engagement, strong relationships with public safety departments, and utilization of crime-preventive urban design features
- enjoy a high level of education due to a successful relationship between the neighborhood, the City, and the education community

Actions for achieving the above vision and goals for Highland Park are presented in several topic areas: Commercial Districts, Housing, Urban Design, Transportation, Parks and Recreation, Environment, Public Safety, and Education.

Commercial District

West 7th Street Area

- 1) Amend the Shepard-Davern Gateway Small Area Plan and Overlay [Summary adopted 9/22/1999] with two modifications:
 - a) Reduce the maximum allowed building height to five floors or fifty-five feet while continuing to enforce forty-foot height limits in the Mississippi River Critical Area
 - b) Eliminate convention facilities as permitted uses
- 2) Initiate a TN3 Master Plan to evaluate potential rezonings and implementation of TN design guidelines to replace the design guidelines in the Shepard-Davern Overlay area

Highland Village

- 3) Rezone portions of Highland Village to TN-2 to support mixed-use development and appropriate building design
- 4) Explore options for shared parking agreements and new parking facilities in Highland Village
- 5) Explore the potential for a Parking Benefit District or cooperative special assessment in Highland Village to address parking issues, generate revenue for street improvements, and fund future parking facilities
- 6) Work with Metro Transit to maintain transit access to both Downtown St. Paul and Downtown Minneapolis from Highland Village
- 7) Conduct a planning study of the Ford Plant site and the adjacent railroad corridor to consider future land use options

Snelling-Randolph Commercial Area

- 8) Consider rezoning portions of the Snelling-Randolph commercial area to TN-2 to support mixed-use development and to provide design standards that limit the visual impacts of parking and maintain attractive building facades

Housing

- 9) Utilize zoning mechanisms, such as TN zoning that allow for residential uses in the commercial areas, while limiting the expansion of commercial uses into residential neighborhoods
- 10) Ensure that any redevelopment of the St. Gregory's site—or any future redevelopment in residential areas—is compatible with the character of the surrounding neighborhood
- 11) Encourage mixed-income developments, offering both renter and owner options
- 12) If Sibley Manor or other large market-rate or subsidized affordable housing complexes are redeveloped, District 15 requests that at least 30% of the new units provided on site are affordable to residents making below the St. Paul median income
- 13) District 15 requests that the City implement architectural design standards to ensure that new residential construction is compatible with adjacent houses in scale, form and architectural design

Urban Design

- 14) District 15 encourages the City to enhance the basic design standards in the City code for commercial areas to be more similar to TN zoning district design standards
- 15) Use City's sign code to limit billboards and ensure attractive signage
- 16) Increase the number of street trees with infill planting where gaps exist and with new development projects
- 17) Continue to survey and inventory historic properties in the district in order to provide protection and encourage sympathetic renovation
- 18) Encourage buried power lines

Transportation

- 19) Use traffic calming design techniques—like those outlined in the City's Transportation Plan—to increase pedestrian and driver safety
- 20) In the West 7th Street Area, make the following changes to the public street right-of-ways to ensure an attractive and safe pedestrian environment:
 - a) District 15 will discuss with MnDOT setting a uniform speed limit of no more than 35 miles per hour along West 7th Street through Highland Park
 - b) Ensure that all realigned streets create a gridiron street pattern with short, urban-sized blocks
 - c) Provide on-street parking when possible
 - d) Install frequent street trees and other streetscaping
 - e) Require wide sidewalks throughout the area and replace existing gaps in the sidewalk network (Davern, Rankin, Madison, Alton and Springfield streets)
 - f) District 15 desires to install count-down pedestrian crossings at major intersections, including West 7th Street and Davern and add new crosswalks and signage at all intersections, and will work with Public Works to pursue these objectives.
 - g) Install a semaphore at the intersection of Shepard and Davern
 - h) District 15 will pursue installation of a left-turn signal with the existing semaphore at the West 7th Street and Davern intersection
 - i) District 15 will pursue redesign of the intersection at West 7th, Montreal and Lexington to increase pedestrian safety
 - j) Redesign intersection of St. Paul and Cleveland Avenues to increase pedestrian safety
- 21) District 15 will pursue reconnecting Shepard Road to the Mississippi River as a parkway extension of Mississippi River Blvd with extensive landscaping and pedestrian and bicycle trails.
- 22) Prioritize resources for the reconstruction of the Edgcumbe-Hamline bridge
- 23) The Highland community strongly desires a reduction in the speed limit on Snelling Avenue from 35 to a uniform 30 miles per hour between Highland Parkway and Montreal
- 24) Study TN rezoning for portions of Highland Village and West 7th Street area to achieve better design standards for parking
- 25) Install bike lanes on Snelling and Randolph, where possible
- 26) Enhance bicycle facilities and construct bicycle routes in the District consistent with the City's Transportation Plan, however, the Highland District Council opposes adding new bicycle lanes along Mississippi River Blvd.
- 27) Expand and encourage use of and access to transit options
- 28) Increase the number of bus shelters along bus routes
- 29) Protect the Mississippi River Blvd from transportation changes that would increase motor vehicle traffic
- 30) Protect the District from transportation changes that will create new or larger arterial roads
- 31) Ensure that all streets have a sidewalk on at least one side of the street and adequate lighting

Parks, Recreation, and Libraries

- 32) Assess resources for the expansion of services at Homecroft as a community recreational center and enlargement of its meeting and play spaces, which are identified as priorities by the Highland District Council

- 33) Prioritize Capital Improvement Budget monies to build a new park near the existing Sibley Manor, as outlined in the Shepard-Davern Plan
- 34) Assess funding for a new recreation center south of West 7th Street, identified as a priority by the Highland District Council
- 35) Identify and map opportunities for future green and open space acquisition, conservation, public access to the Mississippi River, and creating connections between existing open spaces and parks
- 36) Maximize connectivity between parks and open space through the use of bicycle and pedestrian trails in Highland and with adjacent districts
- 37) Protect views and vistas to and from the Mississippi River while protecting environmentally sensitive areas
- 38) Upgrade historic Highland Golf Course Clubhouse as a multi-use facility that can be rented by the public for events
- 39) Prioritize resources for an expanded library in the West 7th St corridor
- 40) Prioritize resources for renovation of the Highland library and consider expansion
- 41) Support opportunities for the public to comment on potential parks and recreation changes

Environmental

- 42) Provide a variety of educational and community clean-up events
- 43) Identify structures in District 15 that are at risk for lead-based paint and lead pipes and mitigate their negative effects through programs for replacement, rehabilitation and repainting
- 44) Identify areas of high stormwater run-off and alleviate its effects through the integration of best management practices into developments
- 45) Develop creative funding strategies for upgrading infrastructure within the District
- 46) Reestablish Saint Paul's representation on the Metropolitan Airport Commission's Noise Abatement Board
- 47) Support city-wide energy conservation efforts such as the Neighborhood Energy Connection and its "hOurCar" car-sharing program
- 48) Maintain weekly recycling pick-up
- 49) Replace boulevard and park trees that are lost due to disease, damage, etc.
- 50) Plant only native species or cultivars in natural areas while controlling exotic and invasive species
- 51) Preserve and protect natural resources, like the Mississippi River, its floodplain and bluffs by restricting new development from extending past its current boundaries unless such development is specifically allowed in the floodplain or critical area overlay districts
- 52) Strictly enforce height limits within the Mississippi River Critical Area

Public Safety

- 53) Continue to support Neighborhood Block program
- 54) Educate property owners on crime prevention and security improvements in the home and commercial areas
- 55) Increase police patrols—particularly at night—to prevent unlawful behavior
- 56) Increase police presence in parks—particularly Crosby Farm Park and along the Mississippi River
- 57) Upgrade deteriorating sidewalks

- 58) Ensure that strong police community bonds are continued through interactions at both District Council meetings and involvement with the monthly Western District community meetings
- 59) Apply CPTED (Crime Prevention Through Community Design) principles in the design of public projects

Education Strategies

- 60) Encourage public participation in school decisions that will have a large impact on the surrounding neighborhood

Priority Actions for City Participation

The following actions (referenced by number in the plan summary) have been identified as priorities of the community that require leadership or signification participation by city government. Community groups and city departments should implement the projects identified in this summary by applying for city resources in competitive processes such as the Capital Improvement Budget (CIB) and Sales Tax Revitalization program (STAR), and working though the regular operating programs of relevant city departments.

Planning and Economic Development

#1, #2, #3, #7, #8, #9, #10, #12, #13, #14, #48, #52, #53

Public Works

#19, #20, #21, #22, #23, #24, #26, #29, #46

License, Inspections and Environmental Protection

#5, #15, #43

Parks and Recreation

#26, #32, #33, #34, #50

Libraries

#39, #40

Police

#55, #56

Planning Commission Findings

The Planning Commission finds that the Area Plan Summary of the District 15 Highland Park Neighborhood Plan, as proposed by the District 15 Planning Council, is generally consistent with the Saint Paul Comprehensive Plan and adopted City policies.

Planning Process

The District 15 Comprehensive Plan Update was created through a public participation process and a thorough investigation of the issues that will affect Highland Park in the next ten to twenty years. The community plan process started in January 2004. The Highland District Council created a Task Force to deal specifically with creating goals for Highland's future. The creation of this plan took place in several steps over a twenty-month period. The Task Force was composed of members of the Highland District Council and staff, planners from the City of St. Paul, members of the community, business owners, and student consultants from the University of Minnesota – Humphrey Institute. Residents and business-owners were also asked to give input on the Plan through interviews with key stakeholders and at public meetings.

The Task Force met nearly two dozen times between January 2004 and September 2005 to discuss the issues of primary importance to District 15. These meetings were brainstorm sessions that focused on land use, economic development, public safety, transportation, parks and recreation, quality of life issues, business/commercial, and human services. The outcome of these meetings was a preliminary draft of the District Plan addressing the prominent issues in the District.

In January of 2005, four graduate students from the Humphrey Institute of Public Affairs (HHH) at the University of Minnesota were contracted to develop and organize the updated plan for Highland as part of their final capstone project. The graduate students met with the Highland District Council, the Planning Task Force, and many community members to get further input for the District Plan. They developed a stakeholder analysis to determine who was invested in the Highland District, and whom they should contact about specific issues. The HHH graduate students also developed an analysis of the Strengths, Weaknesses, Opportunities and Threats (SWOT) in the District. The Highland District Council gave their input on the assets and issues for many topics and changes Highland will address in the future. The HHH graduate students compiled this information and used it to create the Plan Elements listed in the plan.

The draft District Plan was presented to the public at the Highland District Council's annual meeting on April 26, 2005. The students gave a PowerPoint presentation outlining the plan, and provided draft Plan Element sections for the community to read and respond to. The community members who attended the meeting were encouraged to give input and commentary on the draft. The Highland District Council held a second public meeting for input on the District Plan on June 23, 2005 at the Hillcrest Recreation Center. This meeting was an open forum where the public expressed their ideas about the Plan. Both sets of public meetings lead to positive feedback and significant changes to the final Plan.

After the students finished their work, the District Council hired one of the graduate students to finalize the Plan. At a special meeting on September 22, 2005, the Highland District Council Board voted unanimously to approve the District Plan.

Tom Beach - Walgreen's at Ford and Finn

From: Rick <rickd@isd.net>
To: <Tom.Beach@ci.stpaul.mn.us>
Date: 7/16/2009 9:14 PM
Subject: Walgreen's at Ford and Finn
CC: <ward3@ci.stpaul.mn.us>

Dear Mr. Beach

I am writing this letter against the Walgreen's development at Ford and Finn. This is not a vote against the company of Walgreen's but a vote against a site plan that does not support "architectural and urban design standards that create an attractive environment" as stated in goal 3 of the section for Highland Village in the District 15 District Plan. The spirit of this goal was to move future redevelopment away from the suburban type plans such as in the past with the Petco store and Barnes & Noble to a more urban design. For reference I was a member of the district plan committee. The continued "big box" corporate store with large surface lots is a thing of the past even in the suburbs. Suburban examples of where they are using urban designs are Arbor Lakes and the downtown areas of Maple Grove, developments in Woodbury and The Village at Mendota Heights. Mendota Heights is an example of a where a drug store, in this case Snyder's, is in a building shared with other businesses and a parking ramp.

When an opportunity comes available to redevelop a section of the Ford Parkway business area it's important to look at the impact long range. As we have seen over the past few years the idea of developing areas that are multi-business with shared parking is the common practice as in the examples I gave. Imagine this area having a development that could bring multiple businesses, including Walgreen's, along with shared parking. It is feasible with the proper direction, foresight and negotiations. Some may say that with the economy the city doesn't have any leverage, I disagree with this. Over the long term many are saying that areas like Highland will flourish in the future as the demand for these types of neighborhoods increase. The demand for more variety in the commercial area will also increase. If we continue to allow large areas of land to be occupied by a single business the growth will go elsewhere. Let's think more about the future and how we want to shape Highland and the City of St. Paul. Let's propose to Walgreen's the idea of a development that is multi-tenant with shared parking. They may have a desire to own such a property that can generate lease revenue or, more likely, have a developer partner that will work with them. There may even be local or federal incentives available. This way if the Snyder's property comes available in the next few years, which is likely in this scenario, that property could also be redeveloped to complement this development. Let's not end up with more develops like Barnes and Noble and Petco. What we build today will likely be here for 20 years or more.

In the future the Ford Motor Assembly Plant property will likely become available for redevelopment. Setting the tone for how Highland and the City of St. Paul will redevelop this large parcel of land is important. Failure of the city to take a stance now against out dated, cookie cutter "big box" corporate design and just poorly conceived architecture is vital to the redevelopment of future properties and for the preservation of the community.

Thank You
Rick Dagenais
2111 Highland Parkway
651-503-7054

cc Council Member Pat Harris

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** J & S Bean Factory
 2. **APPLICANT:** J & S Bean Factory
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1518 Randolph Ave, SE corner at Saratoga
 5. **PIN & LEGAL DESCRIPTION:** 102823320021, RANDOLPH VILLAS EX S 6 54/100 FT LOT 1
 6. **PLANNING DISTRICT:** 15
 7. **ZONING CODE REFERENCE:** §65.612; §61.501
 8. **STAFF REPORT DATE:** July 22, 2009
 9. **DATE RECEIVED:** July 1, 2009
- FILE #** 09-097-851
HEARING DATE: July 30, 2009
PRESENT ZONING: B1
BY: Sarah Zorn
60-DAY DEADLINE FOR ACTION: August 30, 2009
-

- A. **PURPOSE:** Conditional Use Permit for a coffee shop larger than 800 sq. ft. gross floor area
- B. **PARCEL SIZE:** 35 ft. (Randolph) X 126 ft. (Saratoga) = 4,410 sq. ft.
- C. **EXISTING LAND USE:** C-Restaurant-Coffee Shop
- D. **SURROUNDING LAND USE:**
 - North: Local Business (B1) and Single family residential (R4)
 - East: Single and multifamily residential (B1 and RM2)
 - South: Single family Residential (R4)
 - West: Single and Multifamily Residential (B1)
- E. **ZONING CODE CITATION:** §65.612 lists standards and conditions for coffee shops in the B1 district; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** In 2003 the Board of Zoning Appeals upheld a decision made by the Zoning Administrator to classify the establishment as a carry-out restaurant with a maximum of 12 seats. Changes to City Ordinances prompted an inspection of the coffee shop and found that there were 29 seats, which required a new license, classification as a restaurant, and was not permitted in B1. A 2004 Code change added the definition of a coffee shop and required a conditional use permit for coffee shops larger than 800 square feet in a B1 district. It was discovered recently in conjunction with a license application that the coffee shop was in violation of the zoning code.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 15 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
 1. J & S Bean Factory has been operating a coffee shop for several years in a 1,140 square foot building at this location. The applicant has applied for the necessary conditional use permit in order to be in compliance with City code.
 2. According to the Department of Safety and Inspections, the previous use was a retail business and the additional parking that would be needed to operate a coffee shop is three spaces. Based on the Rule of Five no additional parking spaces are required.
 3. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. J&S Bean Factory has been operating at its present location for several years and no change in intensity is proposed. The use is supported by the District 15 Plan Summary which lists a goal of incorporating a mix of uses and a pedestrian-friendly street environment in commercial areas.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. No change to ingress and egress is being proposed as part of this application.

- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The coffee shop contributes to the existing mixed use character of the neighborhood. Its existing 1,140 sq. ft. size is reasonable to meet the needs of the business and the neighborhood, as well as the intent of the B1 district. Any future expansion of the business could result in a greater need for parking and an increase in traffic, and should be reviewed by the Planning Commission.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. No changes to the use or structure are proposed therefore the use will not change its effect on surrounding property.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The coffee shop use is permitted in the B1 zoning district.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a coffee shop larger than 800 sq. ft. gross floor area subject to the following conditions:

- 1. The coffee shop shall not be larger than the existing 1,140 square feet.
- 2. The applicant shall comply with all Department of Safety and Inspections requirements.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

RECEIVED

JUN 24 2009

PD

09-097851

750.00

7-30-09

*102823320021

APPLICANT

Name Steven C. Vanderwater
 Address 1518 Randolph Ave
 City St Paul St. MN Zip 55105 Daytime Phone 651-699-7288
 Name of Owner (if different) _____
 Contact Person (if different) Cell Phone 651-382-3482

PROPERTY LOCATION

Address / Location 1518 Randolph Ave St Paul 55105
 Legal Description LOT 1 except ranch 6.5 ac
Howard Randolph Villan Current Zoning B1
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
 Chapter 65, Section 612, Paragraph X of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Conditional use permit is required because I have
 over 800 sq ft of space (1140 sq ft)

I have met all other requirements pertaining to service
 in both, main and

RECEIVED

JUN 01 2009

BK 4150
750.00

Larry Zang if already have full site drawing
☒ Required site plan is attached

Applicant's Signature Steven C. Vanderwater Date 6-15-09City Agent 7/1/09 pdd

J & S Bean Factory

1518 Randolph Avenue

St. Paul, MN 55012

Mr. Paul Dubruiel
Planning Office
City of St. Paul
14th Floor, City Hall Annex
25 W. 4th Street
St. Paul, 55101

Re: J&S Bean Factory
Pending Restaurant Application

Dear Mr. Dubruiel:

Enclosed please find the following:

1. Application for my request for the conditional use permit
2. Copy of your letter to me with the request for the application fee
3. A check in the amount of \$750.00

Thank you for your help in this matter. There was a misunderstanding on my part because of the communication with Larry regarding the refund for the change in restaurant license status.

It is my understanding after working with Larry Zang and Dennis Rosemark that my business is now in compliance with the requirements for Restaurant Limited License and the Conditional Use Permit is all that is needed to complete this matter. It is my wish to be in compliance with the zoning ordinance and I am looking forward to the resolution of this in the near future.

Sincerely,


Steve Vandewater

History for Zoning File
#09-097-851

CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: #03-271631
DATE: April 14, 2003

Deadline for Action: 05-23-03

WHEREAS, Judy L. Nelson & Steve Vanderwater have appealed a decision of the Zoning Administrator pursuant the provisions of Section 64.204(c) of the Saint Paul Legislative Code, determining that the business at 1518 Randolph Avenue is a restaurant rather than a carry-out restaurant as set fourth in Section 60.218(R), and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on April 14, 2003 pursuant to said application in accordance with the requirements of Section 64.203 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The applicants were aware of the zoning and licensing requirements prior to opening their business.*

In March of 2001, the appellants met with staff in the Office of LIEP to discuss their plans to open a coffee shop at 1518 Randolph Avenue. They were informed at that time that the property was located in a B-1 zoning district and that a carry-out restaurant was permitted but that a restaurant would not be permitted. Staff also explained what the definition of a carry-out restaurant is and followed up with a letter to the appellants summarizing the meeting. The appellants in turn submitted a letter stating their intent to have no more than 12 seats and a floor plan that also indicated only 12 seats.

2. *The applicants expanded their seating without consulting licensing or zoning staff regarding possible code implication.*

Recent changes in City Ordinances regarding retail food establishments and restaurants prompted an inventory of all such licensed facilities in the city. An inspection of the referenced business in February of this year revealed that there are now 29 seats at this location. Once a carry-out restaurant exceeds 12 seats it becomes a regular restaurant and requires a different license. It also falls under a different zoning classification. A carry-out restaurant (12 or fewer seats) is a permitted use in a B-1 zoning district and a regular restaurant (more than 12 seats) is first permitted in a B-2 zoning district. The applicants were aware of this and deliberately chose to violate the law.

File #03-271631

Resolution

3. *A restaurant is not an appropriate or permitted use in a B-1 zoning district.*

Section 60.531 states, "The B-1 Local Business District is intended to permit those uses as are necessary to satisfy the basic convenience shopping or service needs of persons residing in nearby residential areas." Section 60.541 states, "The B-2 Community Business District is intended to serve the needs of a consumer population larger than that served by the 'Local Business District,' and is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic." Clearly the intent of the code is to locate businesses according to the intensity of the use. A carry-out restaurant is considered to be similar to a retail use as far as the intensity of the business is concerned, and therefore, is permitted in a B-1 district. A restaurant is considered a more intense use, generating more traffic, and therefore, is first permitted in the less restrictive B-2 district.

4. *The Zoning Administrator did not error in his interpretation of the Code.*

The definition of a carry-out restaurant is clear in that it allows no more than 12 seats. The Zoning Code also clearly allows carry-out restaurants in a B-1 zoning district and clearly first allows regular restaurants in a B-2 zoning district. Neither the Zoning Administrator nor the Board of Zoning Appeals has the authority to grant a "use" variance, that is to allow a use not permitted in a zoning district through the granting of a variance.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the Zoning Administrator did not error in determining that the business known as J&S Bean Factory located on property at 1518 Randolph Avenue and legally described as Randolph Villas Ex S 6 54/100 Ft Lot 1; is legal as a "carry-out" restaurant only and must reduce the number of seats within the restaurant to 12 in accordance with the order of the Zoning Administrator.

BE IT FURTHER RESOLVED; that the appeal is **Hereby Denied**.

MOVED BY:

SECONDED BY:

IN FAVOR:

AGAINST:

MAILED: April 15, 2003

File #03-271631
Resolution

TIME LIMIT: No order of the Board of Zoning Appeals permitting the erection or alteration of a building or off-street parking facility shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is proceeding pursuant to the terms of such permit. The Board of Zoning Appeals or the City Council may grant an extension not to exceed one year. In granting such extension, the Board of Zoning Appeals may decide to hold a public hearing.

APPEAL: Decisions of the Board of Zoning Appeals are final subject to appeal to the City Council within 15 days by anyone affected by the decision. Building permits shall not be issued after an appeal has been filed. If permits have been issued before an appeal has been filed, then the permits are suspended and construction shall cease until the City Council has made a final determination of the appeal.

CERTIFICATION: I, the undersigned Secretary to the Board of Zoning Appeals for the City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on approved minutes of the Saint Paul Board of Zoning Appeals meeting held on April 14, 2003 and on record in the Office of License Inspection and Environmental Protection, 350 St. Peter Street, Saint Paul, Minnesota.

SAINT PAUL BOARD OF ZONING APPEALS

Debbie Crippen
Secretary to the Board



Commercial, single and multifamily uses across Randolph



View looking south on Saratoga Street

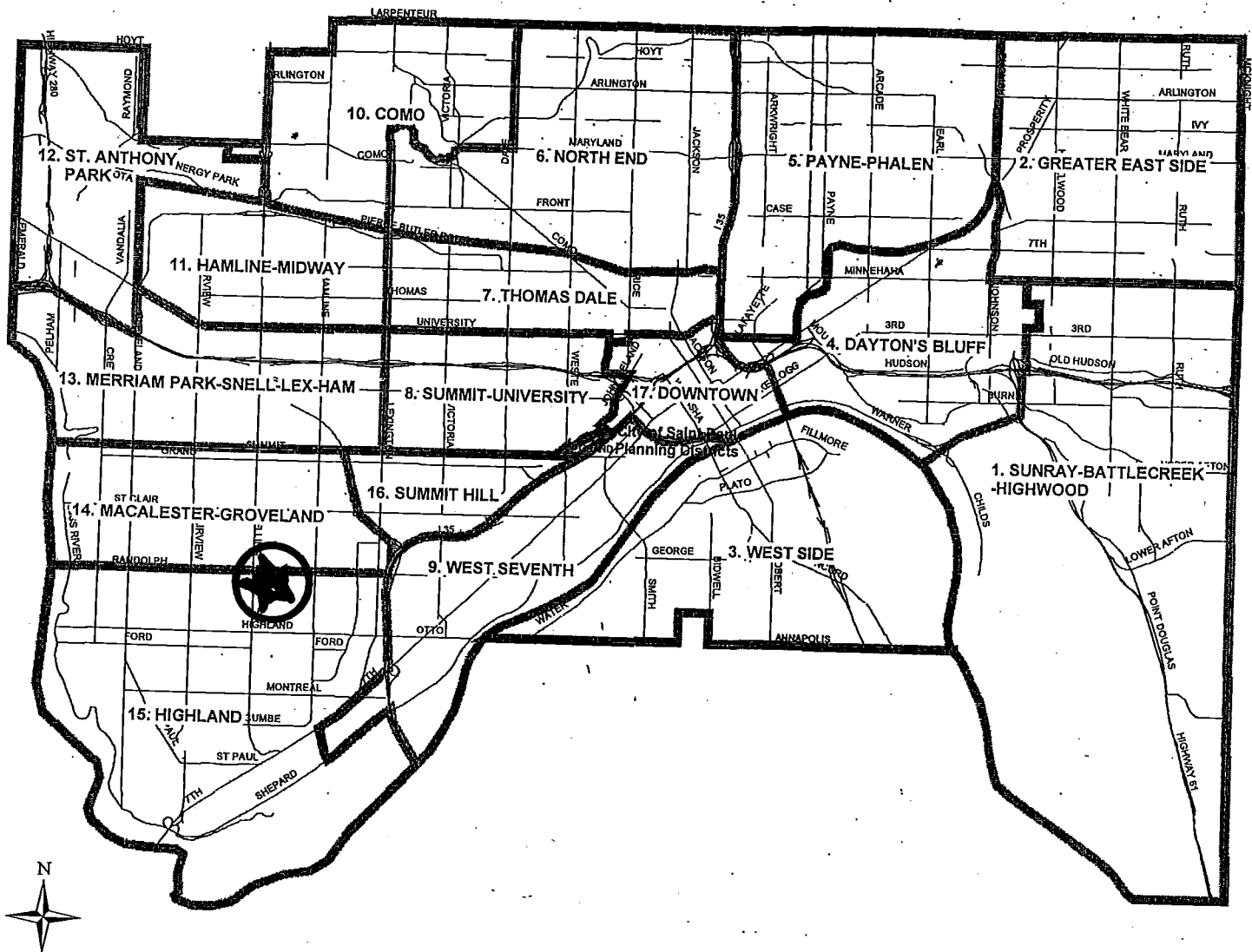


View from Randolph Avenue



View from Randolph/Saratoga intersection

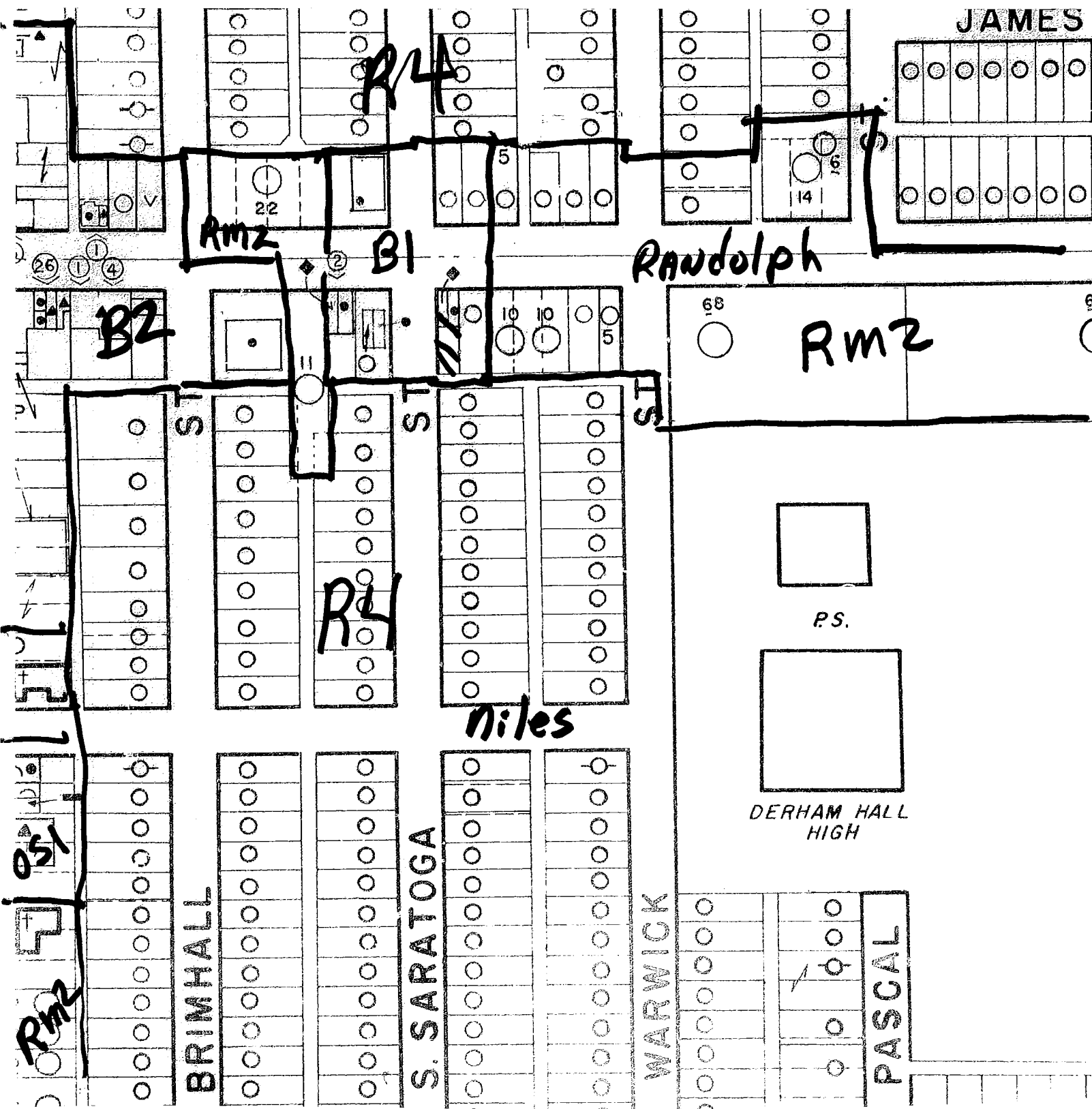
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-097851



APPLICANT

J+S Bean Factory

PURPOSE

CUP

FILE #

09-097857

DATE

7-2-09

PLNG. DIST.

15

MAP #

26

LEGEND

— zoning district boundary

▨ subject property

○ one family
 ⊙ two family
 ⊕ multiple family

▲ commercial
 ◆ industrial
 V vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Teng Her
 2. **APPLICANT:** Teng Her
 3. **TYPE OF APPLICATION:** Reestablishment of Nonconforming Use Permit
 4. **LOCATION:** 667 Edmund Ave, between St. Albans and Dale
 5. **PIN & LEGAL DESCRIPTION:** 352923140017; CHUTE BROTHERS DIVISION NO. 3 ADDITION TO THE CITY OF ST. PAUL, MINN. LOT 19
 6. **PLANNING DISTRICT:** 7
 7. **ZONING CODE REFERENCE:** §62.109(d)
 8. **STAFF REPORT DATE:** July 21, 2009
 9. **DATE RECEIVED:** June 30, 2009
- FILE #** 09-096-915
HEARING DATE: July 30, 2009
PRESENT ZONING: R4
BY: Luis Pereira
60-DAY DEADLINE FOR ACTION: August 29, 2009
-

- A. **PURPOSE:** Re-establishment of legal nonforming use as a duplex.
- B. **PARCEL SIZE:** 40 feet wide by 120 feet deep (4,800 sq. ft. or 0.11 acres); with half of the alley area, the parcel is 40 feet wide by 129 feet deep (5,160 sq. feet, or 0.12 acres).
- C. **EXISTING LAND USE:** Duplex
- D. **SURROUNDING LAND USE:**
 - North: Two (detached) residences on one parcel (R4)
 - East: Single-family detached house (R4)
 - South: Single-family detached house (R4)
 - West: Single-family detached house (R4)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** The property was built in 1894. Ramsey County property tax records currently recognize it as a duplex, and City records indicate it is a legal nonconforming duplex. The house was a rental property under a previous owner, and experienced several citizen complaint calls about poor property maintenance during 2001-07. In March 2007, the property's certificate of occupancy was revoked, and in August 2007, it was inspected and placed on the City's Vacant Building List as a Category II property. On January 17, 2008, a code compliance letter was issued to the property owner. Between May 2007 and April 2008, City records indicate the owner was Countrywide Home Loans (Mortgage Electronic Registration System, Inc.), a time during which the property continued to have numerous citizen complaints regarding garbage and graffiti. The property was purchased by Teng Her from Countrywide on April 17, 2008. While the City Fire Department does not have record of a fire in the property, the applicant states that before he purchased the property, there was a fire that damaged the interior of the first floor and a portion of the second floor.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Planning Council recommends approval of the re-establishment of nonconforming use of this property as a duplex, citing as reasons that it will be an owner-occupied home, and that it would be expensive to convert it back to a single-family home.
- H. **FINDINGS:**
 1. City and County records indicate this property has been a duplex since at least 2001. The interior of the property was damaged in a minor fire during the previous ownership. The applicant proposes to renovate the two existing dwelling units, each about 911 square feet in size (i.e. 1,823 square feet total).
 2. The property has been registered on the City's vacant building list since 8/2/07, and the previous owner, Countrywide, received a code compliance letter on 1/17/08 (see attached letter, now expired). Because the property has been vacant for at least one year, §62.109(e)

of the Zoning Code indicates that this nonconforming duplex use is discontinued and must now be used in conformance with the regulations of the R4 district or receive a permit to reestablish the nonconforming use from the Planning Commission. Current Department of Safety and Inspections policy for applying §62.109(e) is that there must be verifiable evidence that the nonconforming use has been discontinued for a continuous period of more than 365 days; if a property has been on the registered vacant building for more than 365 days, this is considered verifiable evidence.

3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This condition is met, as the structure already configured as a duplex (two three-bedroom units on each floor of the house). Each unit is independent and configured similarly, each including a living room, bathroom, and kitchen. In addition, a contractor will do \$65,000 worth of rehabilitation on the structure, to be paid jointly by the owner and the Greater Frogtown Community Development Corporation. Such rehabilitation includes window, door, and roof replacement; the addition of insulation; plumbing and electrical work; and the removal of old boilers, radiators (and asbestos) to be replaced by two forced air heating units. Additional work will include the rehabilitation of the existing garage on the site.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This condition is met, as the previous use was also a duplex.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This condition is met. Currently, there is a mixture of detached single family and duplex homes in the neighborhood, including two lots each containing two detached residences on one parcel across the alley (666 Thomas and 660 Thomas), and two duplexes across the street (672 Edmund and 658 Edmund Ave). The proposed duplex will not be detrimental to the area or have measurable effects on public health, safety, or general welfare.
 - (4) *The proposed use is consistent with the comprehensive plan.* This condition is met, given that the proposed use is consistent with the Housing Plan's objective of "aggressive housing rehabilitation," part of its strategy of "preserv[ing] and promot[ing] established neighborhoods."
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This condition is met. The petition was found sufficient on June 30, 2009: 20 parcels eligible; 14 parcels required; 17 parcels signed.
4. The Planning Commission has adopted as policy a set of Duplex-Triplex Conversion Guidelines for Zoning Cases. The Commission has directed planning staff to revise these guidelines, and that study is not yet complete. However, one draft revision would apply these guidelines to the re-establishment of nonconforming uses, which would include cases in which existing single-family homes are converted to duplexes. In those cases, staff is charged with recommending denial unless the following guidelines are met:
 - a. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* The property is approximately 5,160 square feet in size (0.12 acres), which includes half of the alley area.
 - b. *Gross living area, after completion of duplex conversion, of at least 1,800 square feet.* The applicant's floor plans show each of the units will be about 911 square feet in size.

- c. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided. The property has an existing two-car garage, which will remain. On the site plans, the applicant also indicates that there is space just off of the alley for an additional two-car garage (or parking pad) in the future.*
- d. *All remodeling work for the duplex is on the inside of the structure. Exceptions to this condition will be made if the applicant submits exterior elevation drawings which are approved as architecturally compatible by the design staff of the Department of Planning and Economic Development. PED staff would simply approve or disapprove; they would not revise drawings or write any detailed comments. The applicant indicates that extensive rehabilitation and renovation work will be done inside of the structure.*
- e. *The proposed duplex structure is located in a mixed density neighborhood, not a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets. As discussed in finding #2(3) above and as shown on the attached land use map, the duplex is located in an existing mixed density neighborhood.*
- f. *A code compliance inspection has been conducted and the unit is found to be up to the housing code standards; or the property owner has agreed to make the necessary improvements to bring it to housing code compliance. This is also a requirement of being designated a Category II property on the vacant building list. It can also be made a condition of approval.*
- g. *An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information. This requirement is most applicable when one or both units will be rented; in these cases the Planning Commission considers the rental income versus the expenses of maintaining the property as a single family use. As the units will be occupied by the applicant's family and the applicant's brother's family, and the two families will split the expenses, this factor is not relevant. The analysis is also not relevant because economic hardship is not being claimed as a reason for the requested action.*

The application for the permit includes the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the re-establishment of legal nonforming use as a duplex subject to the following conditions:
 - 1. Once renovations are made, the property must pass a housing code compliance inspection.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

RECEIVED

JUN 11 2009

Fire
Yearago

LNCL = 4960

Zoning Office Use Only

File #: 09-096915

Fee: 650.00

Tentative Hearing Date:

7-2-09

352923140017

APPLICANT

Name Teng Her

Address 667 Edmund Ave

City ST. Paul St. MN Zip 55104

Daytime Phone 651-222-7168

Name of Owner (if different)

Contact Person (if different)

Phone

**PROPERTY
LOCATION**

Address/Location 667 Edmund Ave

Legal Description

Current Zoning

R4

(attach additional sheet if necessary)

RECEIVED

JUN 30 2009

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- ☐ Change from one nonconforming use to another (para. c)
 - ☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - ☐ Enlargement of a nonconforming use (para. d)

6-30-09

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit

Present/Past Use

Proposed Use

Attach additional sheets if necessary

duplex
This house it's a duplex before.
need same duplex.
This house it's & was fire more a year
from now. we will reconstruction or rebuilding.

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature

RECEIVED

Date

5-20-09

City Agent

JUN 1 - 2009

667 EAHUNA AVE

1st
floor

Door
out

1. Bedroom
180" X 180"

185" X 180"

living room

1st floor

130" X 120"

2. Bedroom

100" X 120"

3. Bedroom

Bath room

70" X 120"

160" X 185"

Kitchen

Go to
Basement

Door out



667 EDMUND AVE

2nd
floor

Door
out



up

180" X 180"

1. Bedroom

185" X 180"

Living Room
2nd floor

2. Bedroom

130" X 120"

BATHROOM
70" X 120"

up

3. Bedroom

100" X 120"

160" X 185"

Kitchen

Door
out →

House back yard

Side Walk

to be paved this

open space

Double Garage

203' X 260"

1. car

2 car

212' X 259'

1. car

2. car

Door

Alley way

**SUMMARY INFORMATION SHEET
FOR DUPLEX AND TRIPLEX COVERSON CASES**

| Housing unit breakdown: | Existing | Proposed |
|----------------------------------|----------|----------|
| Number of units | 2 | 2 |
| Number of bedrooms in each unit | 3/3 | 3/3 |
| Unit 1 3 bedroom | 3 | 3 |
| Unit 2 3 bedroom | 3 | 3 |
| Unit 3 N/A | | |
| Size of each unit in square feet | | |
| Unit 1 main | 921.75 | 921.75 |
| Unit 2 upper | 921.75 | 921.75 |
| Unit 3 N/A | | |
| Debt: | | |
| Initial principal amount | N/A | N/A |
| Initial interest rate | N/A | N/A |
| Term of mortgage/debt financing | N/A | N/A |
| Time remaining on note | N/A | N/A |
| Balance on existing debt | N/A | N/A |
| Rehabilitation | | |
| Type of Improvements: | | |
| The Greater Framtown's | N/A | |
| Funding Term 30 years | N/A | 60,000 |
| at no interest rate | | |
| | | |
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RECEIVED

JUN 1 - 2009

RECEIVED

JUN 11 2009

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Teng Her
(name of applicant)

to establish a Two family (duplex) dwelling
(proposed use)

located at 667 Edmund Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE | 5/20 |
|------------------|-------------------|-----------------|---------|--------|
| → 671 Edmund Ave | SHOUA VANG | Shoua V | 5-18-09 | SV |
| 675 EDMUND AVE | MELISANDE CHARLES | Mel C | 5-18-09 | ML |
| 655 Edmund Ave | long Her | long Her | 5-18-09 | LH 5/2 |
| 659 Edmund Ave | Nee Yang | Nee Yang | 5/18/09 | NY 5/2 |
| 663 Edmund Ave | Robert Lee Jan | Robert Lee Jan | 5/18/09 | RL-5/2 |
| 651 Edmund Ave | Teng Her | Teng Her | 5-31-09 | |
| 641 Edmund Ave | Jedil Munoz | Jedil Munoz | 5-31-09 | |
| 630 Edmund Ave | Via Vang | Via Vang | 5-31-09 | |
| 638 Edmund Ave | Ger Meola | Ger Meola | 5-31-09 | |
| 644 Edmund Ave | Yey Vang | Yey Vang | 5-31-09 | |
| 646 Edmund Ave | Mai Lee Mai Lee | Mai Lee Mai Lee | 5-31-09 | |
| 654 EDMUND | JANE MORGAN | Jane Morgan | 5-31-09 | |
| 658 Edmund | Ward Hemkel | Ward Hemkel | 5-31-09 | |
| 670 Edmund Ave | Chue CHANG | Chue CHANG | 5-31-09 | |
| 662 Edmund Ave | Theresa Simpson | Theresa Simpson | 5-31-09 | |

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

9/08

RECEIVED

JUN 11 2009

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

RECEIVED

JUN 11 2009

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Teng Her
(name of applicant)

to establish a TWO Family (Duplex) dwelling
(proposed use)

located at 667 Edmund Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|---|------------------------|-----------|----------|
| 667 Edmund Ave | Teng Her | | 6-8-09 |
| 655 Edmund Ave | Long Her | | 6/8/09 |
| → 671 Edmund Ave | SHOUA VANG | | 6-8-09 |
| 674 THOMAS AVE | RAYMOND FIGUEROA | | 6-8-09 |
| 662 THOMAS AVE | Chy Linsee | | 6-8-09 |
| 664 Edmund Ave | Martin Royaceti | | 6-8-09 |
| 678 Thomas Ave | Buy Rite Companies LLC | | 06/09/09 |
| 663 Edmund Ave | Robert Lawrence | | 6-9-09 |
| → 675 EDMUNDAVE | MELISA DECHARLES | | 6-9-09 |
| 672 Edmund Ave | Colin B... | | 6-9-09 |
| 662 Edmund Ave | US Bank | | 6-9-09 |
| 659 Edmund Ave | Huie yphun | | 6-9-09 |
| → 660 Thomas Ave | chy Her | | 6-9-09 |
| NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition. | | | |
| → 674 Edmund Ave | Chai Lee | | 6/9/09 |
| 670 Edmund Ave | Mark Blanchard | | 6-10-09 |

CITY OF SAINT PAUL

RECEIVED

JUN 22 2008

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Teng Her
(name of applicant)

to establish a TWO Family (Duplex) Dwelling
(proposed use)

located at 667 Edmund Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|----------------|-------------------|-----------------|----------|
| 674 THOMAS AVE | RAYM | R/S | 06-21-09 |
| 675 EDMUND AVE | MELUSANDE CHARLES | Charles | 06-21-09 |
| 671 EDMUND AVE | SHOUA VANG | Shoua V | 6-21-09 |
| 679 EDMUND AVE | THU VLE | Thu Vle | 06-21-09 |
| 662 EDMUND AVE | Patrick Sampson | Pat Sampson | 6-21-09 |
| 662 EDMUND AVE | Theresa Sampson | Theresa Sampson | 6-21-09 |
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NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

RECEIVED

JUN 30 2009

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Teng Hu
(name of applicant)

to establish a Two Family (Duplex) Dwelling
(proposed use)

located at 667 Edmund Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|----------------|-------------------|-------------------|---------|
| 659 EDMUND | HUEN HO | Huen Ho | 6/26/09 |
| 658 EDMUND | BRETT HENKEL | Brett Henkel | 6/26/09 |
| 672 Edmund | Ann Burton | Ann Burton | 6/27/09 |
| 654 Thomas Ave | STEPHEN AMARKEE | Stephen Amarkee | 6/27/09 |
| 662 Thomas Ave | Stephen Marrone | Stephen Marrone | 6/29/09 |
| 666 Thomas Ave | Maria A Caramazza | Maria A Caramazza | 6/29/09 |
| | | | |
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NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

RECEIVED
JUN 11 2009

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

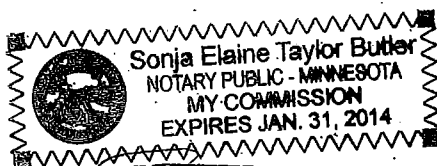
The petitioner, Teng Her, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Teng Her
NAME

651 Edmund Ave
ADDRESS

651-222-7168
TELEPHONE NUMBER

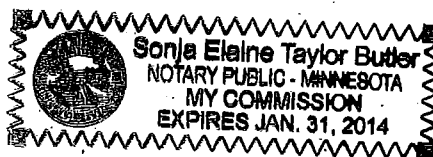
RECEIVED
JUN 22 2008



Subscribed and sworn to before me this

21st day of May, 2009
11th June, 2009

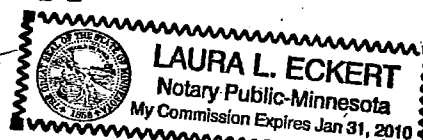
[Signature]
NOTARY PUBLIC



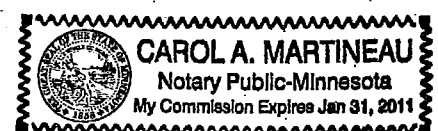
RECEIVED

JUN 22 2008

Laura Eckert
651-222-09



RECEIVED
JUN 1 - 2009



Carol Martineau
6-1-09

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 5/21/09

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 20

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 14

PARCELS REQUIRED: _____

PARCELS SIGNED: _____

PARCELS SIGNED: _____

CHECKED BY: Paul Dubrouil

DATE: 6-30-09

1st 5-21-09

20 / 14 / 4

2nd 6-2-09

20 / 14 / 5

3rd 6-12-09

20 / 14 / 10

4th 6-25-09

20 / 14 / 11

5th 6-30-09

20 / 14 / 17

pdd 6-30-09



DISTRICT 7
PLANNING
COUNCIL

651/789-7480 (office)
651/789-7401 (fax)
district7pc@yahoo.com (e-mail)

533 North Dale Street
Saint Paul, Minnesota 55103-1644

Nonconforming Use Permit

Property: 667 Edmund Ave.
#352923140017

Issue: The property owner is looking for the re-establishment of a nonconforming use permit that would allow the property to be used as a duplex.

Meeting Date: June 23, 2009

Meeting Location: 533 Dale St. N.

Total # in Attendance: 30
(A list can be provided upon request)

of residents and business/ property owners in attendance located in District 7*: 26

Applicant Present?+: Yes

t
u
b

Community Response at Meeting**:

Pros

- It will be an owner occupied home.
- The neighborhood needs more owner occupied duplexes like it used to have.

Cons

- None

Community Response Outside of Meeting**:

Pros

- It would be expensive to convert it back to a single-family

Cons

- None

* Prior to the meeting all properties within 350 ft. of the property in question were informed of the issue.

+ The applicant was notified of the community meeting immediately after District 7 received a copy of the application from the City.

** All listed responses were given by individuals living, working or owning property in the boundaries of District 7 Planning Council.

General Consensus or Vote:

26 in Support / 0 in Opposition / 4 in Abstention

The District 7 Planning Council recommends approval of the re-establishment of a nonconforming use.

Respectfully submitted by: Tait A. Danielson Castillo
Executive Director
District 7 Planning Council

AMANDA list of activities, 667 Edmund Ave.

| Date | ID # | Status | Type | Description |
|------------|-----------|----------------|--|--|
| 2/21/1996 | 96 100716 | Finalized | PL - Plumbing & Gas Fitting (OLD) - Plumbing (ALL) - Residential Rep | Contractor: Ronald R Gritzmaker People's Plumbing & Htg. Co. |
| 10/1/2001 | 01 228861 | Closed | CS - CSO Complaint - Exterior - Complaint | No ground cover; debris in yard, ledge in front on side of steps in disrepair.. (comp received by fax in CSO) |
| 4/24/2002 | 02 113303 | Closed | CS - CSO Complaint - Exterior - Complaint | garbage, rubbish, accessory structure |
| 2/4/2003 | 03 253097 | Closed | CS - CSO Complaint - Interior - Complaint | Interior maintenance, garbage and rubbish |
| 5/15/2003 | 03 300306 | Closed | RF - Referral - Citizen Complaint | Owner: Raymond Hessler/Kathryn Hessler - ILLEGAL ROOMING HOUSE |
| 12/4/2003 | 03 408462 | Closed | CS - CSO Complaint - Exterior - Complaint | 5-6 mattresses in back for past 2mo. |
| 1/15/2004 | 04 023776 | History | RR - Rental Registration - Duplex | RR Stated Owner: Hessler Properties, Inc - 03/03/2007: RR-CO Conversion: Folder status changed to History. |
| 12/14/2004 | 04 209734 | Closed | CF - CSO Information Request - Information - Phone | Mattress in the back. |
| 12/16/2004 | 04 211010 | Closed | CS - CSO Complaint - Exterior - Complaint | Garbage/Rubbish. |
| 2/2/2005 | 05 059642 | Closed | CS - CSO Complaint - Exterior - Complaint | Garbage/Rubbish, Maintenance - Exterior. |
| 5/31/2006 | 06 090527 | Closed | CS - CSO Complaint - Exterior - Complaint | Garbage/Rubbish, Grass/Weeds. |
| 3/3/2007 | 07 037881 | Revoked/Vacant | CO - Certificate of Occupancy - Residential | Responsible Party: Hessler Properties, Inc |
| 3/3/2007 | 07 037881 | Revoked/Vacant | CO - Certificate of Occupancy - Residential | Responsible Party: Hessler Properties, Inc |
| 3/3/2007 | 07 037881 | Revoked/Vacant | CO - Certificate of Occupancy - Residential | Responsible Party: Hessler Properties, Inc |
| 5/23/2007 | 07 083789 | Closed | PA - Parks Summary Abatement - Graffiti | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Graffiti on garage vehicle door |
| 5/23/2007 | 07 083788 | Closed | CS - CSO Complaint - Graffiti - Complaint | Graffiti on garage vehicle door |
| 6/4/2007 | 07 090001 | Closed | PA - Parks Summary Abatement - Graffiti | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Graffiti |
| 6/4/2007 | 07 090000 | Closed | CS - CSO Complaint - Graffiti - Complaint | Graffiti |
| 6/13/2007 | 07 095545 | Closed | CS - CSO Complaint - Exterior - Complaint | Garbage rubbish |
| 6/19/2007 | 07 098801 | Closed | PA - Parks Summary Abatement - Garbage Rubbish | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Black trash bags, boxes, miscellaneous junk on back porch, newspapers on front porch. |
| 7/24/2007 | 07 120603 | Closed | RF - Referral - Citizen Complaint | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - WATER SHUT OFF 7/23/07 |
| 7/31/2007 | 07 124730 | Closed | RF - Referral - Citizen Complaint | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Water Shut off per Water Utility 7/19/07 thru 7/25/07 |
| 7/31/2007 | 07 124729 | Closed | CS - CSO Complaint - Certificate of Occupancy - Complaint | Water Shut off per Water Utility 7/19/07 thru 7/25/07 |
| 8/2/2007 | 07 126340 | Inspected | VB - Vacant Building - Category 2 - Duplex | Stated Owner: Countrywide - Keller Williams Premier C/O Terry Records - VB Monitoring |
| 8/2/2007 | 07 126341 | Open | VF - Vacant Building Fee - Category 2 - Duplex | Owner: Teng Her - VB Fee |
| 8/2/2007 | 07 126336 | Under Review | CS - CSO Complaint - Vacant Building Monitoring - Complaint | VB Monitoring, 11/26/07 illegal dumping - broken doors, mattress, bags of garbage. 08-25-08 OPEN WINDOW |
| 8/28/2007 | 07 138319 | Closed | PA - Parks Summary Abatement - Graffiti | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Graffiti on east garage wall. |
| 8/28/2007 | 07 138318 | Resolved | CS - CSO Complaint - Graffiti - Complaint | Graffiti on east garage wall. |
| 5/2/2008 | 08 068881 | Closed | PA - Parks Summary Abatement - Graffiti | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Graffiti (Police Report) on garage |
| 5/2/2008 | 08 068880 | Resolved | CS - CSO Complaint - Graffiti - Complaint | Graffiti (Police Report) on garage |
| 5/9/2008 | 08 072731 | Closed | PA - Parks Summary Abatement - Garbage Rubbish | Owner: Mortgage Elec Reg Systems Inc/Co Countrywide Home Loans - Please remove stick pile-Can leave large logs that are stacked. |
| 5/28/2008 | 08 082037 | Closed | PA - Parks Summary Abatement - Garbage Rubbish | Owner: Teng Her - Appliances, junk, wood and rubbish throughout yard. |
| 6/2/2008 | 08 085033 | Closed | PA - Parks Summary Abatement - Graffiti | Owner: Teng Her - Gang Graffiti (Police report) on back of garage |
| 6/2/2008 | 08 085032 | Resolved | CS - CSO Complaint - Graffiti - Complaint | Gang Graffiti (Police report) on back of garage |
| 7/25/2008 | 08 121159 | Resolved | CS - CSO Complaint - Tall Grass - Complaint | TGW 361 |
| 7/30/2008 | 08 123429 | Closed | PA - Parks Summary Abatement - Tall Grass | Owner: Teng Her - Tall Grass and weeds on the property |
| 8/24/2008 | 08 137829 | Resolved | CS - CSO Complaint - Vacant Building Addtl Info - Complaint | OPEN WINDOW |
| 6/30/2009 | 09 096915 | Pending | PC - Planning Commission Cases - Nonconforming Use Permit-Reest | Re-establishment of legal nonforming use as a duplex |
| 7/8/2009 | 09 177793 | Open | RE - Real Estate Assessments | Owner: Teng Her |

Highlighted records indicate complaints made about the property.

Fig. 1. View of property,
looking north from Edmund
Ave.



Fig. 2. View of property, looking
south at the back of 667 Edmund
Ave

Fig. 3. View of property,
looking west at 667
Edmund Ave

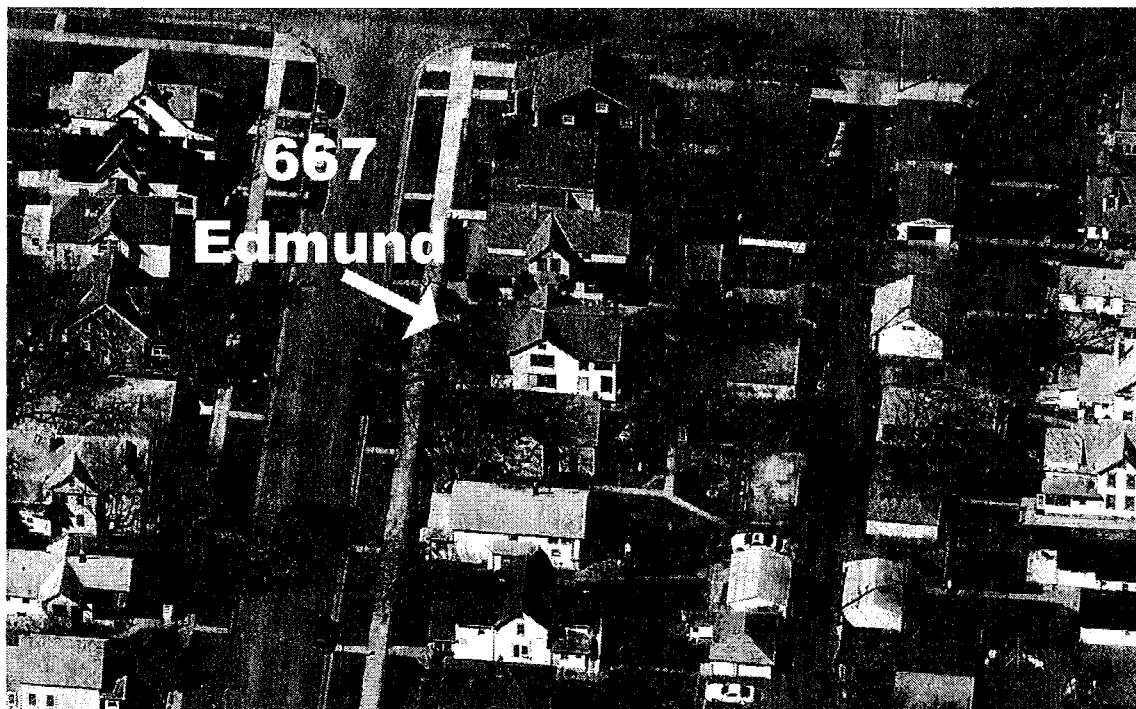
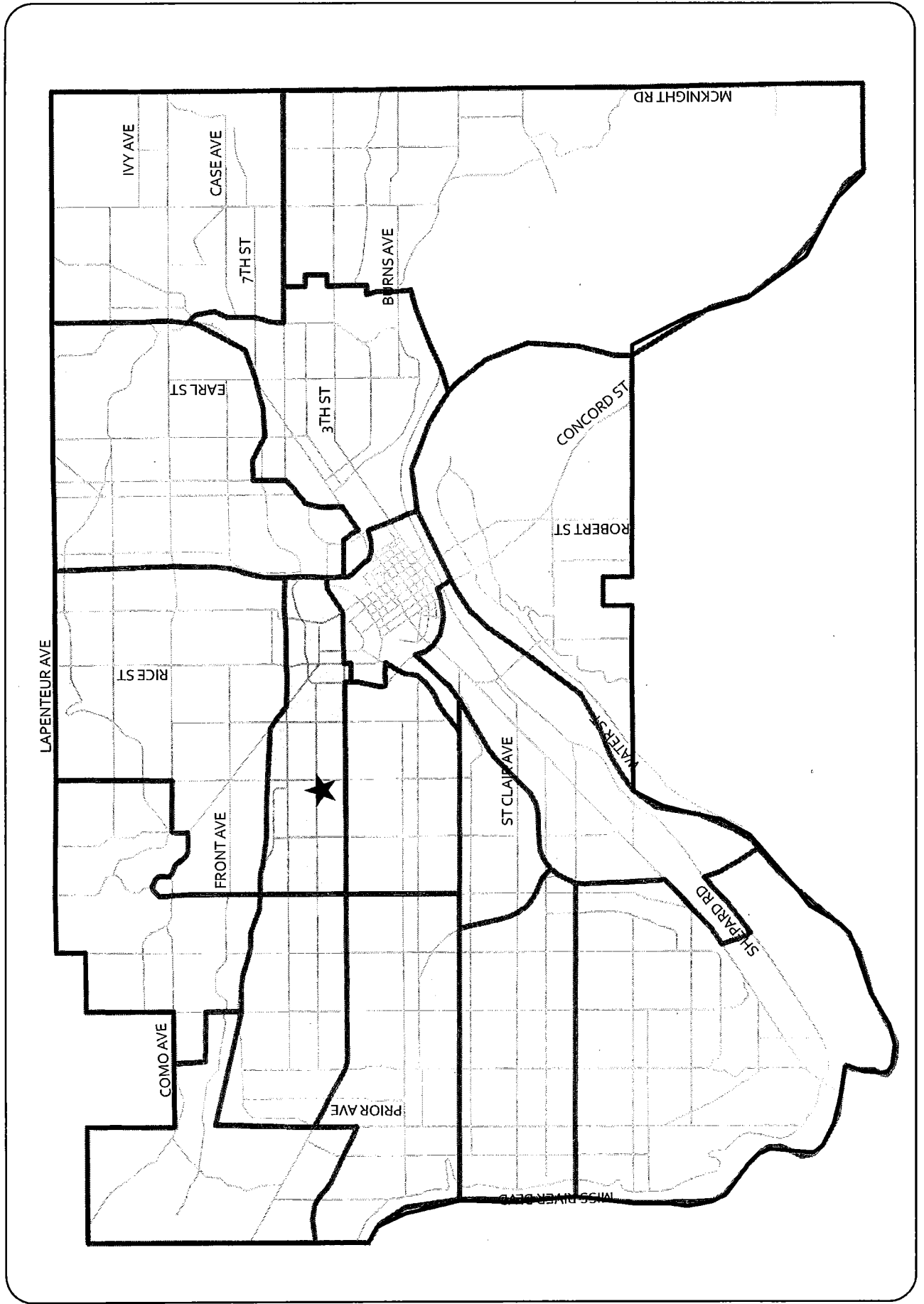


Fig. 4. View of property, from Edmund Ave.

Location

667 Edmund is located in District 7 - Thomas-Dale



667 Edmund

Current land uses



Land Uses

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Office
- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Water

667 Edmund

Zoning



Zoning

- RL One-Family Large Lot
- R1 One-Family
- R2 One-Family
- R3 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- RM3 Multiple-Family
- TN1 Traditional Neighborhood
- TN2 Traditional Neighborhood
- TN3 Traditional Neighborhood
- TN3(M) TN3 with Master Plan
- OS Office-Service
- B1 Local Business
- BC Community Business (converted)
- B2 Community Business
- B3 General Business
- B4 Central Business
- B5 Central Business Service
- IR Light Industrial Restricted
- I1 Light Industrial
- I2 General Industrial
- I3 Restricted Industrial
- VP Vehicular Parking
- PD Planned Development
- CA Capitol Area Jurisdiction



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

The following case has been laid over for two weeks:

Item #4

File 09-096-093 Kevin and Debora Boyd

Rezoning from RM2 Medium-Density Multiple-Family Residential to
VP Vehicular Parking to provide additional parking for Lifetime

Legacy

1057 Selby Avenue, between Oxford and Lexington

RM2

Emily Goodman 651-266-6551

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** East Mall Associates **FILE #:** 09-096-498
 2. **APPLICANT:** East Mall Associates **HEARING DATE:** July 30, 2009
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 841 Grand Ave, between Victoria and Avon
 5. **PIN & LEGAL DESCRIPTION:** 022823420126; SUMMIT PARK ADDITION TO ST. PAUL IN RAMSEY COUNTY, MINNESOTA W 25 FT OF LOT 20 AND ALL OF LOT 19 BLK 18
 6. **PLANNING DISTRICT:** 16 **EXISTING ZONING:** BC
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** July 22, 2009 **BY:** Emily Goodman
 9. **DATE RECEIVED:** June 29, 2009 **60-DAY DEADLINE FOR ACTION:** August 28, 2009
-

- A. **PURPOSE:** Rezoning from BC Community Business (converted) to B2 Community Business.
- B. **PARCEL SIZE:** Rectangular parcel with 66 feet of frontage on Grand Avenue and a total area of approximately 9750 square feet.
- C. **EXISTING LAND USE:** Residential structure with commercial on the first floor and two residential units above.
- D. **SURROUNDING LAND USE:**
 - North: Low-density multiple-family residential (R2)
 - East: Mix of residential and commercial uses (RM2, BC, B3)
 - South: Mix of residential and commercial uses (RM2, BC)
 - West: Community business (B2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site was formerly residential and is currently the location of Lillian's on Grand. There are no zoning actions or records for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** Staff had not received comments from District 16 at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is seeking a rezoning from BC community business (converted) to B2 community business. The applicant has three stated purposes for the rezoning: 1) To give the property the same zoning as other properties owned by the applicant to avoid split zoning, 2) To make the zoning consistent with other zoning at the four corners of Grand and Victoria, and 3) To facilitate redevelopment of the site in question. The applicant also pointed out two mitigating factors: 1) The property is located within the East Grand Avenue Overlay District which would ensure that the redevelopment would not result in over intensification or exacerbate the parking shortage and 2) The proposed rezoning would not permit uses incompatible with the neighborhood.
 2. The proposed zoning is consistent with the way this area has developed. Grand Avenue includes a mix of uses permitted in the B2 and BC districts.
 3. The proposed zoning is not consistent with the Comprehensive Plan. Although there are several policies generally consistent with the proposed zoning (e.g., Land Use Plan Policy 1.49 "Facilitate the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses;" Summit Hill/District 16 Neighborhood Plan Policy G1 "Maintain Grand

Avenue as a continuous neighborhood retail and residential corridor and contain commercial uses and accessory parking within existing boundaries;" and Summit Hill/District 16 Neighborhood Plan Policy G5 "B2 and BC zoning allows uses most appropriate to commercial activity on Grand Avenue"), the Summit Hill/District 16 Neighborhood Plan Policy G4 ("Retain BC (commercial use in residential structures) and residential zoning on Grand Avenue") explicitly discourages this change in zoning. Since this proposed rezoning would not retain BC zoning, it is not in accord with the comprehensive plan.

4. The proposed is compatible with surrounding uses. Grand Avenue has a variety of different zoning districts. The proposed rezoning to B2 community business is one of the zoning districts along the avenue and currently occurs adjacent to the site in question.
 5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* Since there is a mix of commercial in the area, the proposed rezoning is not spot zoning.
- I. **STAFF RECOMMENDATION:** Based on finding #3, staff recommends denial of the rezoning from BC Community Business (converted) to B2 Community Business.



PETITION TO AMEND THE ZONING CODE
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 09-096498

Fee: \$ 1000.00

Tentative Hearing Date:

7-30-09

PD=16

#022823420126

APPLICANT

Property Owner East Mall Associates
Address 857 Grand Avenue
City St. Paul St. MN Zip 55105 Daytime Phone 651-292-9104
Contact Person (if different) William Wengler Phone same

PROPERTY LOCATION

Address / Location 841 Grand Avenue
Legal Description West 25 Feet of Lot 20, and all of Lot 19, Block 18, Summit Park
Addition _____ Current Zoning B-2C (BC)
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, East Mall Associates, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B-2C zoning district to a B-2 zoning district, for the purpose of:

Having a single zoning classification for the adjoining property owned by the same owner; to make the zoning consistent with the other property in the area; and allowing for future redevelopment of the property.

RECEIVED

JUN 29 2008

(attach additional sheets if necessary)

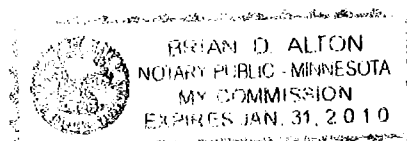
Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

C/L
24418
1000.00
pd 6/29/09

Subscribed and sworn to before me
this 9TH day
of December, 2008.

By William Wengler
Fee Owner of Property
Title: Partner

Notary Public



JUN 29 2008

Attachment to Petition to Amend the Zoning Code

APPLICANT: East Mall Associates**PROPERTY: 841 Grand Avenue, St. Paul, MN 55105**

East Mall Associates owns the property at 841 Grand Avenue, which consists of a residential building with a retail use on the first floor. East Mall Associates purchased the building from the owners of the photo shop which had been there for many years when it was going out of business. The property is zoned B-2C (or BC).

East Mall Associates also owns the adjacent Victoria Crossing East Mall at 857 Grand Avenue. There are several businesses located in Victoria Crossing, including a hair salon, gift shop, clothing store, Starbucks Coffee, and a restaurant. It is a multiple use retail center.

For the following reasons the owner is seeking to have the property rezoned.

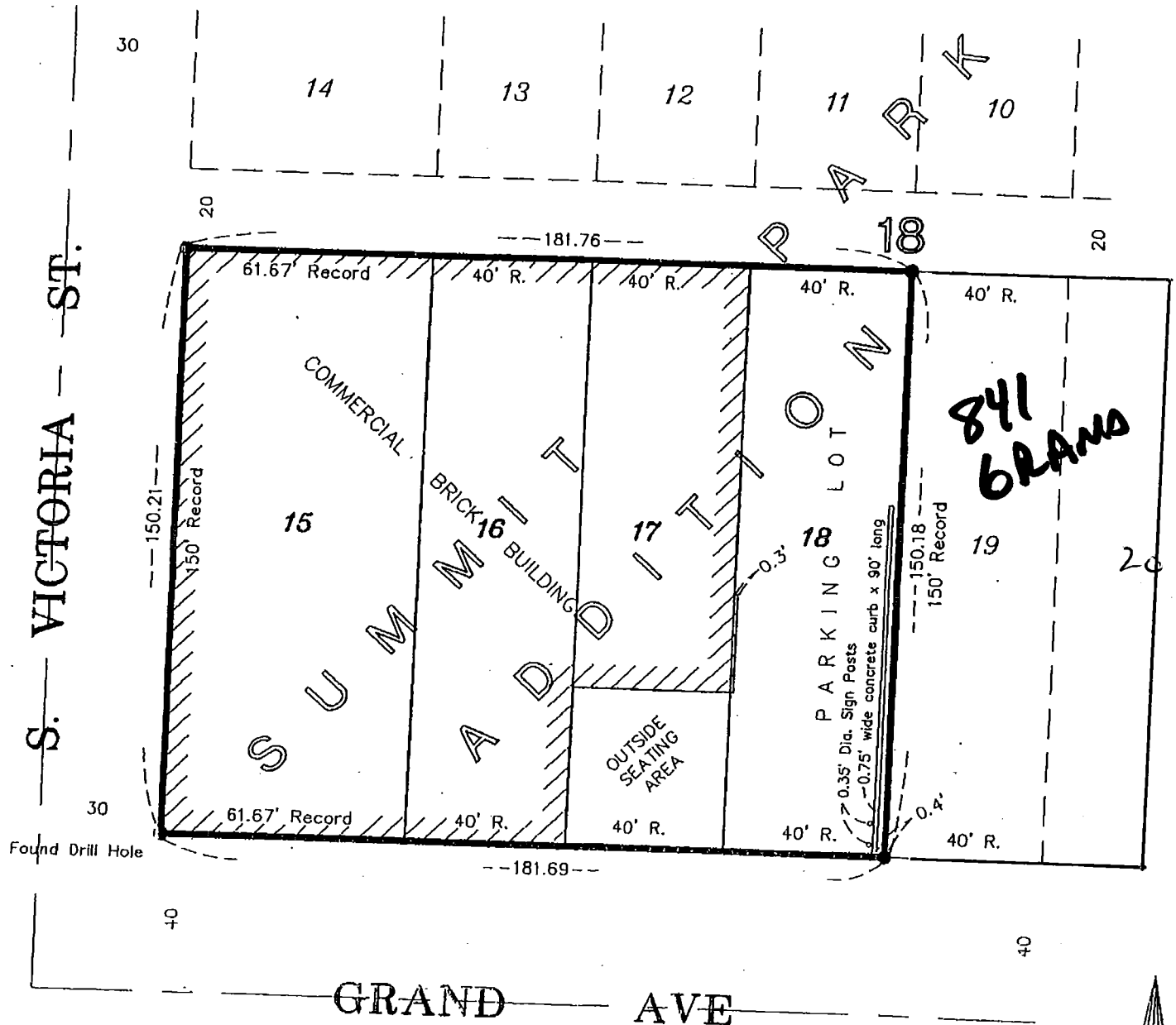
1. Since the properties have a single owner, they should have the same zoning classification in order to avoid split zoning.
2. Each of the other four corners of the intersection at Grand and Victoria are zoned B-2. Rezoning this property would make the zoning consistent with other zoning classifications in the area.
3. At some time in the future, the properties may be redeveloped to improve them. The building at 841 Grand Avenue is in need of significant renovation. The structure's will siding may contain asbestos and the building would need cost prohibitive reconstruction if it were to meet present ADA standards. Any redevelopment of the property will require a significant investment. The redevelopment may include both the property at 841 and 857 Grand Avenue. There are no plans presently to make any changes to the uses of the property involved.
4. The property is located within the East Grand Avenue Overlay District. As a result, building size is restricted and TN-2 design guidelines apply. The rezoning of the property would not permit use or redevelopment of the property without adequate protections for overintensification or contribute to the parking shortage in the area.
5. The rezoning will not allow any use, such as a fast food restaurant, that is undesirable or incompatible with the neighborhood.

RECEIVED

JUN 29 2008

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION: Lots 15, 16, 17 and 18, Block 18, SUMMIT PARK ADDITION to St. Paul, Ramsey County, Minnesota.
NOTE: No encroachments or easements



SCALE: 1 Inch = 30 Feet

○ = Iron Monument Set

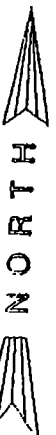
● = Found Capped Iron

AREA = 27,294 Sq. Ft.

SURVEYED FOR BILLY'S ON GRAND

I hereby certify that on October 7, 1996 the above described property was surveyed by me or under direct supervision and that the above certificate is a correct representation of said survey.

Donald E. Ernster
Donald E. Ernster
Registered Land Surveyor



RECEIVED

JUN 29 2008

Parking 170 cars

West Mall

Victoria Street

East Mall

841
GRAND

Parking 145 cars

South Mall



IRIS Picture Printout

Location: MN ~ Ramsey County, Minnesota

Description: 01/01/1996 - STREET VIEW -- REMAP

Address: 841 GRAND AVE ST PAUL

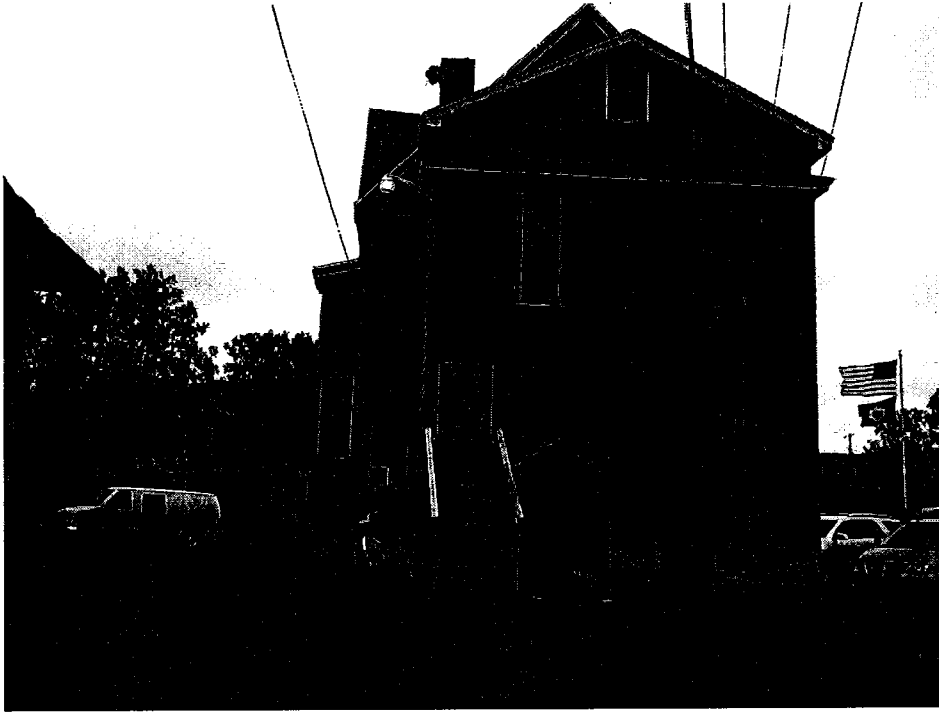




View of 841 Grand Avenue, facing north from Grand Avenue.



View of 841 Grand Avenue, eastern portion of the site.

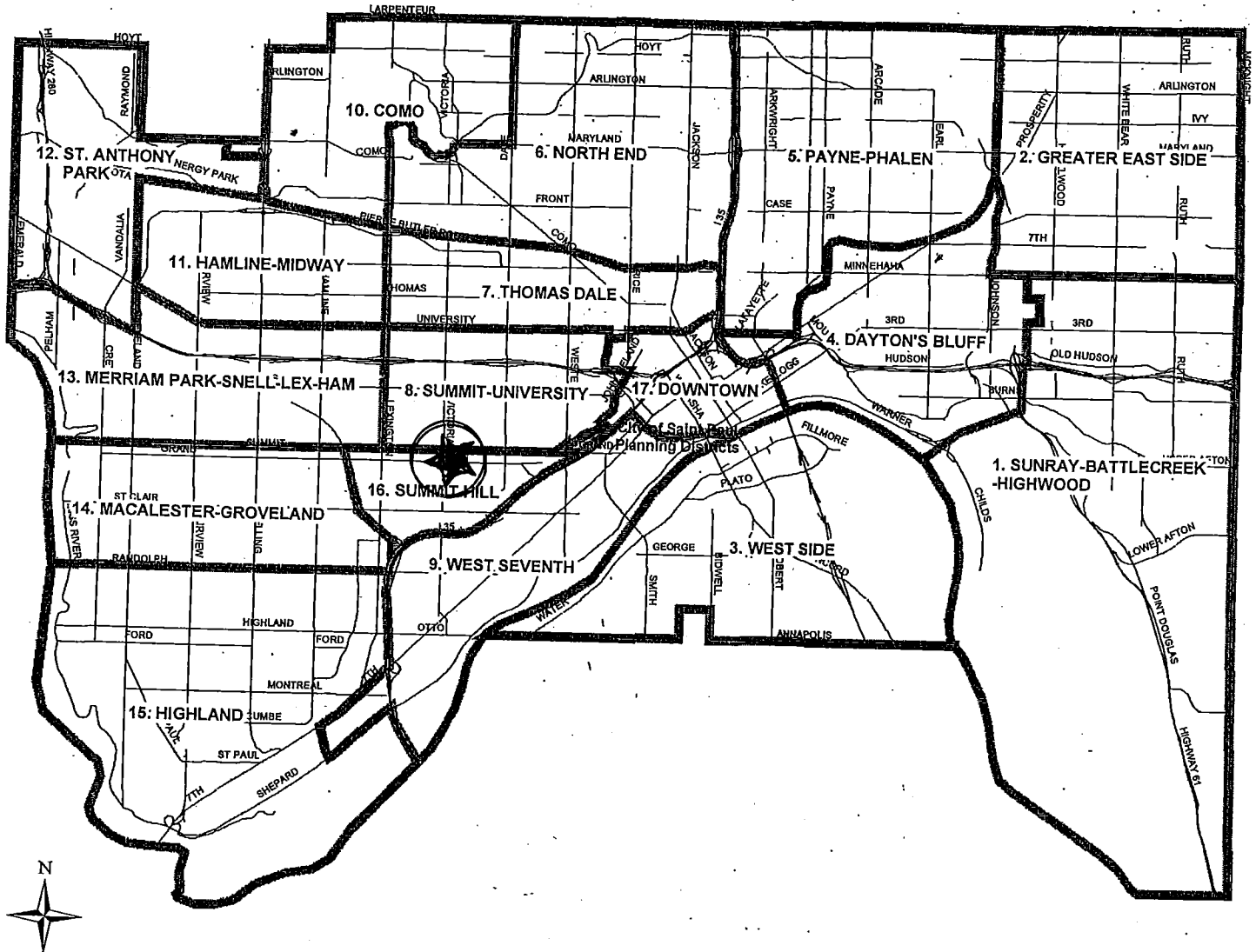


View of the back of 841 Grand Avenue, facing south from the parking lot.



View of 841 Grand Avenue, the western portion of the site.

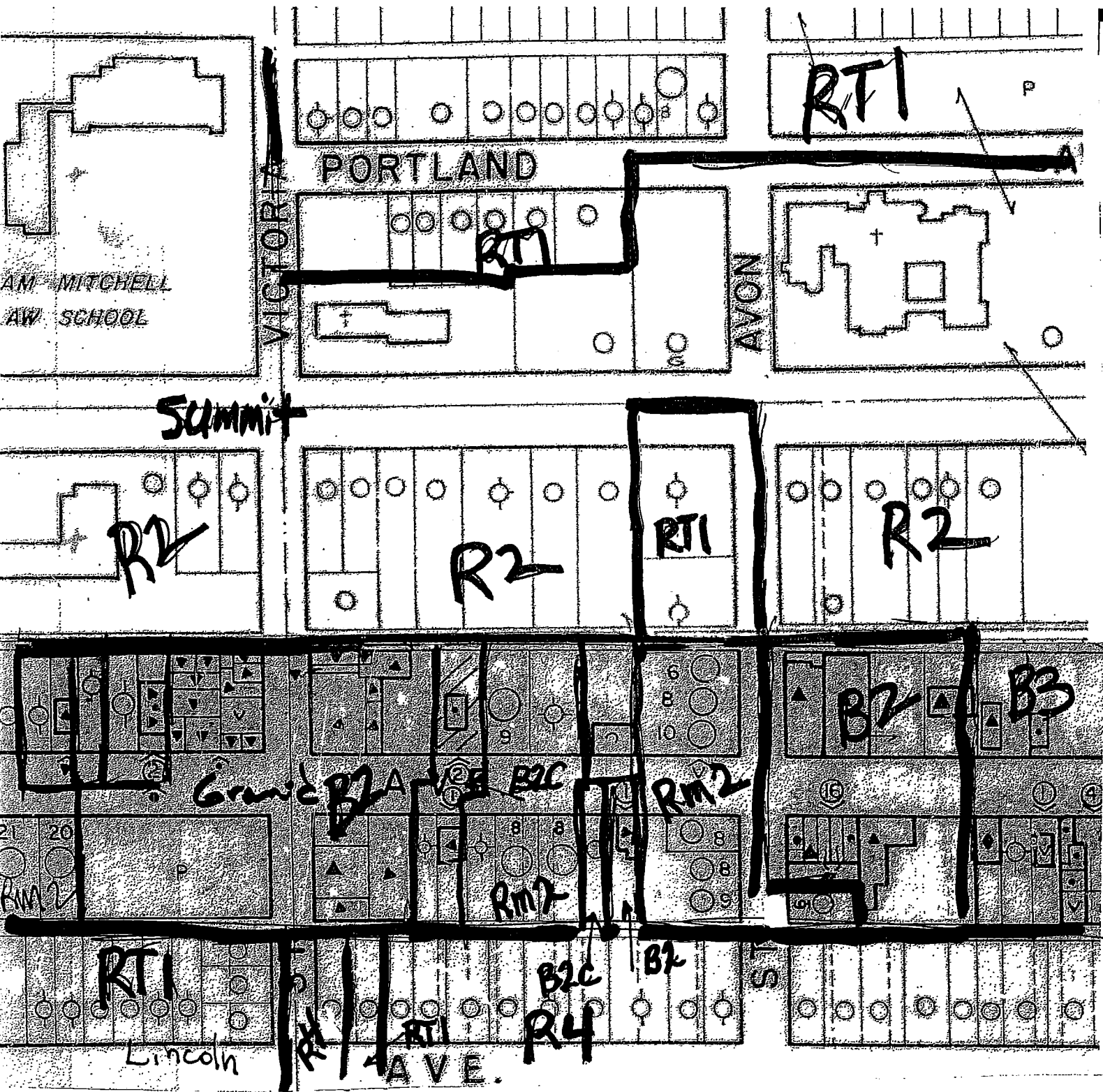
CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-096498



APPLICANT East Mall Associates

PURPOSE REZ B2C → B2

FILE # 09-096498

DATE

PLNG. DIST. 16

MAP # 27 + 19

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

○ one family
 ◊ two family
 ⊕ multiple family

• ▲ ◌ commercial
 ◆ ▬ industrial
 V vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Rob Anderson **FILE #09-198-725**
 2. **APPLICANT:** Rob Anderson **HEARING DATE:** July 30, 2009
 3. **TYPE OF APPLICATION:** NUP - Enlargement
 4. **LOCATION:** 1800 Englewood Ave, between Fairview and Wheeler
 5. **PIN & LEGAL DESCRIPTION:** 282923430147; COLLEGE PLACE, WEST DIVISION LOT 7
BLK 12
 6. **PLANNING DISTRICT:** 11
 7. **ZONING CODE REFERENCE:** §62.109(d); §62.106(c) **PRESENT ZONING:** R4
 8. **STAFF REPORT DATE:** July 23, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** July 9, 2009 **60-DAY DEADLINE FOR ACTION:** September 7, 2009
-

- A. **PURPOSE:** Enlargement of nonconforming duplex, adding third floor living space for second floor unit
- B. **PARCEL SIZE:** 60 ft. (Englewood) X 176 ft. = 10,560 sq. ft.
- C. **EXISTING LAND USE:** R-Duplex
- D. **SURROUNDING LAND USE:**
North: Single and Multifamily Residential (R4)
East: Single and Multifamily Residential (R4)
South: Single and Two-family Residential (RT1)
West: Single and Multifamily Residential (R4)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to enlarge a legal nonconforming use; §62.106(c) states that when an nonconforming use changes to a use permitted in the district or in a more restrictive district, the nonconforming use shall not thereafter be resumed.
- F. **HISTORY/DISCUSSION:** On April 28, 1989, an application to rezone the property to RT2 was denied (Z. F. # 10452). On August 25, 1989, the Planning Commission denied a permit for expansion of a nonconforming use to allow a third floor "caretaker's quarters." (Z. F. # 10519) The decision was appealed, and on December 12, 1989, the City Council approved the appeal subject to "the applicant recording in the office of the County Recorder a restrictive covenant stating that if and when he should transfer the property to any other person or entity that the third floor apartment in the property...shall no longer be a legal non-conforming use and the permitted use of the subject property shall revert to no more than two dwelling units..."

Robert Anderson purchased the house in 2000. The former owner remained in the third unit until June 2002.

On July 5, 2002, Robert Anderson was notified by the City that using the structure as a triplex was illegal and he needed to either remove the third unit or apply for establishment of legal non-conforming use status for a triplex. A 2003 application for legal nonconforming use status as a triplex was approved (Z. F. # 02-245-036).

A 2008 Certificate of Occupancy lists the property as a duplex.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The property is currently being used as a duplex with one unit on the lower level and a second unit occupying the second and third floors. The applicant wishes to remodel the upper unit by converting the second floor to living space and the third to sleeping rooms. To make more

room for the bedrooms, the applicant will add dormers to either side of the home. This expansion requires an enlargement of nonconforming use permit.

2. The structure was a triplex as recently as 2003, but the applicant is proposing an enlargement to a duplex, indicating that the third unit has been removed. According to §62.106(c), because the duplex use is now more conforming, the previous use as a nonconforming triplex "shall not thereafter be resumed."
3. §62.109(d) Enlargement of nonconforming use states that *the planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*
 1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. The structure is currently a legal nonconforming duplex and the proposed enlargement will not increase the number of units.
 2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is met. No change to the height, setback or coverage is proposed.
 3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding is met. The dormers will be located towards the rear of the structure and will not be immediately evident from the street. Several surrounding properties have dormers as part of the roof design.
 4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding met. The parking is sufficient for the existing two units and no additional parking is required for the enlargement.
 5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Rezoning this one lot is inconsistent with the established zoning boundary that runs along the alley, south of the property.
 6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. Enlargement of the second floor unit will not result in increased noise, vibration, glare, dust or smoke. The use as a duplex is consistent with the way the neighborhood has developed and will not alter the character of the surrounding neighborhood.
 7. *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan supports including a mix of rental and ownership units and a range of housing types (Strategy 1.1, p.7).
 8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on July 10, 2009: 19 parcels eligible; 13 parcels required; 13 parcels signed.
4. The Planning Commission has established guidelines for applications involving the expansion of legal nonconforming duplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting enlargement of nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Duplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met:
 - A. *Lot size of at least 5,000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The lot area, including one half of the alley, is approximately 10,560

square feet.

- B. *Gross living area, after completion of duplex conversion, of at least 1,800 square feet. This guideline is met. According to the resolution establishing the structure as a triplex, the gross living area is approximately 3,959 square feet.*
- C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided. This guideline is met. There is a two car garage located on the property.*
- D. *All remodeling work for the duplex is on the inside of the structure. This guideline is met. Although the dormers will change the building envelope, they do not extend into the property's side yard and will not lead to a future expansion.*
- E. *The proposed duplex structure is located in a mixed density neighborhood, not a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets. This guideline is met. Although the area is zoned R4 and surrounded primarily by single family homes, there are at least 5 other legally nonconforming duplexes on Englewood Avenue, between Fairview and Wheeler.*
- F. *A code compliance inspection has been conducted and the unit is found to be up to the housing code standards; or the property owner has agreed to make the necessary improvements to bring it to housing code compliance. This guideline is met. The applicant has been in contact with the Department of Safety and Inspections and the approval of this application satisfies their requirements.*
- G. *An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information. This guideline is met. The applicant's rationale for the enlargement of a legal nonconforming use is not based on economic hardship.*

The application for a permit shall include the petition, a site plan meeting the requirements of section 61.400, floor plans, and other information as required to substantiate the permit. This finding is met. All of the required information has been submitted.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the enlargement of nonconforming duplex, adding third floor living space for the second floor unit.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 09-198725
Fee: 650.00
Tentative Hearing Date: _____

PD-11

#282923430147

APPLICANT

Name Rob Anderson
Address 574 Summit ave
City St. Paul St. Mn Zip 55102 Daytime Phone 651-230-5305
Name of Owner (if different) Rob Anderson
Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 1800 Englewood ave
Legal Description _____
Current Zoning R4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☒ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use 2 3-br units
Proposed Use 2 3-br units with much more kitchen & living & family rooms
Attach additional sheets if necessary

Attachments as required ☐ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature [Signature] Date 7-9-09 City Agent [Signature]

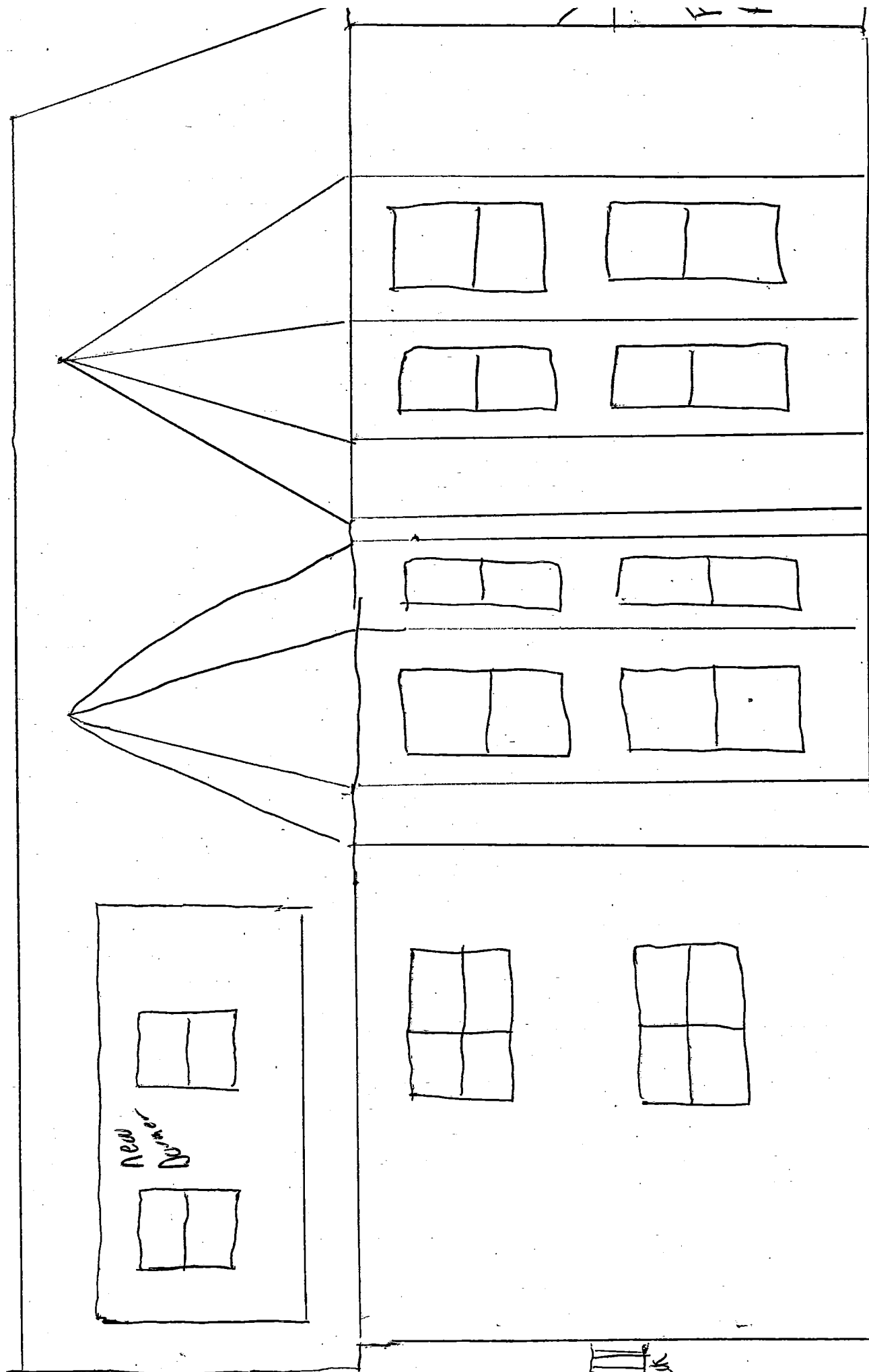
7/9/09
pdd
ck 5048
7/10/09
pdd 7/10/09

Washburn

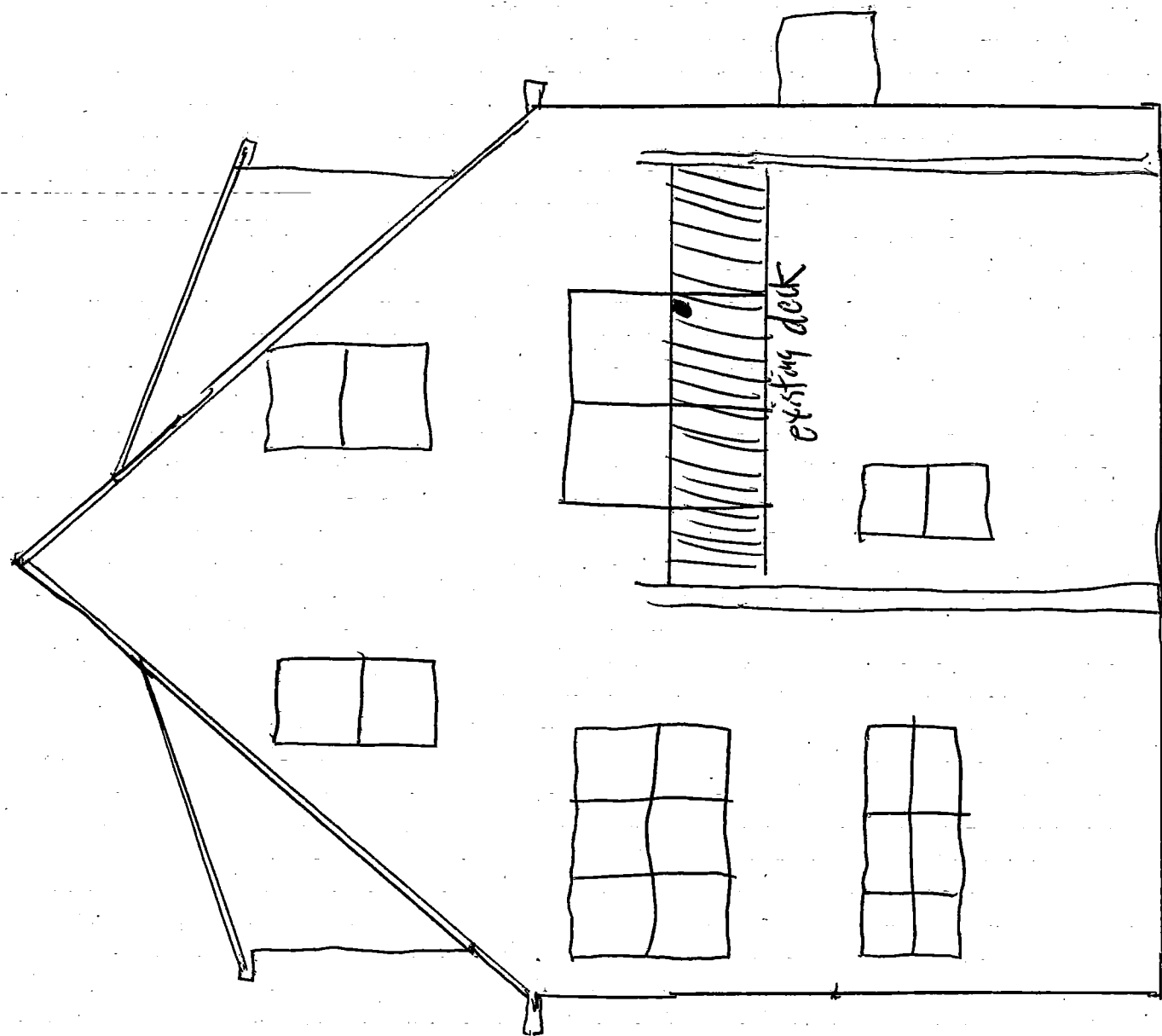
New Owner

deck

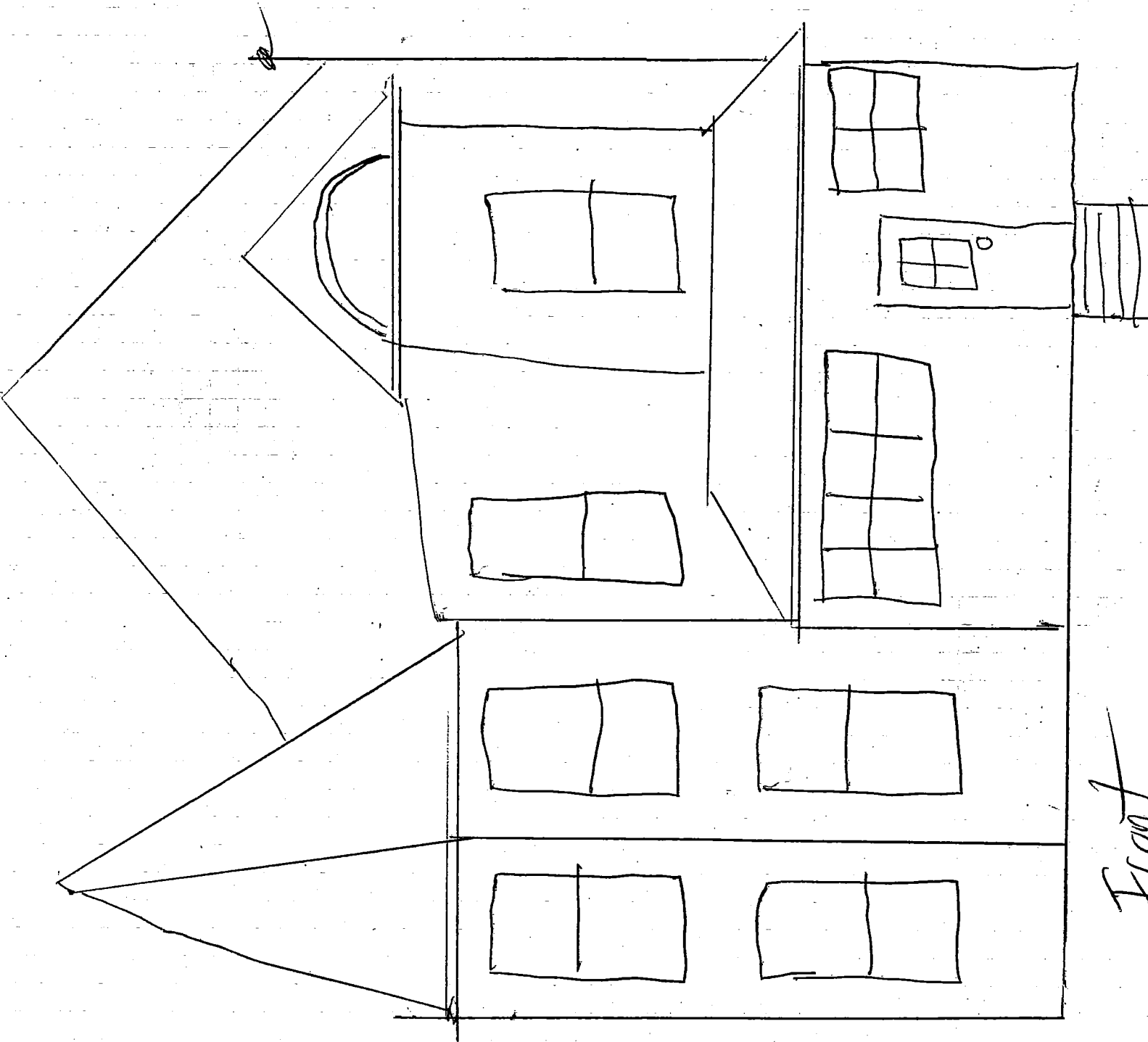
West View



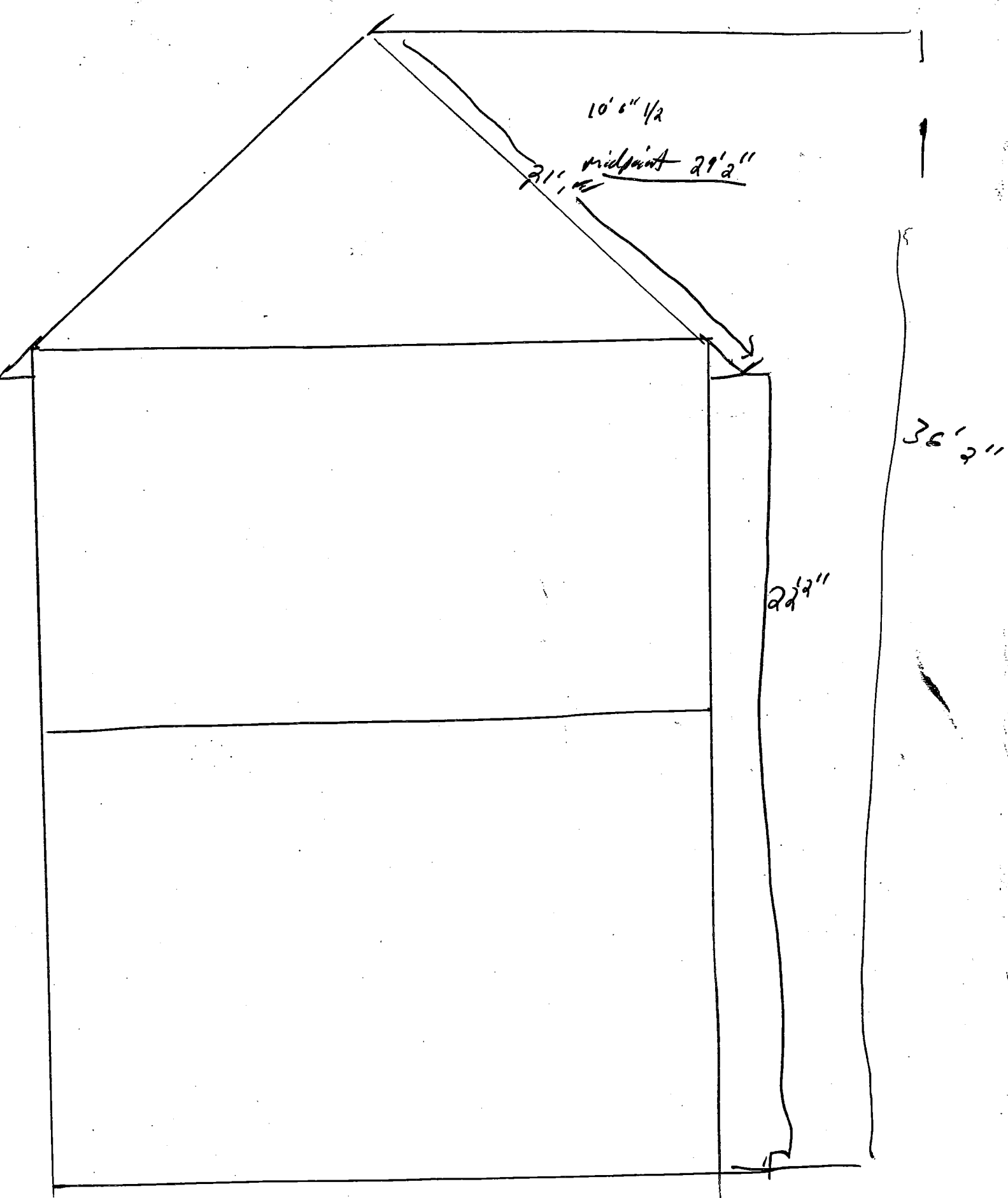
East View



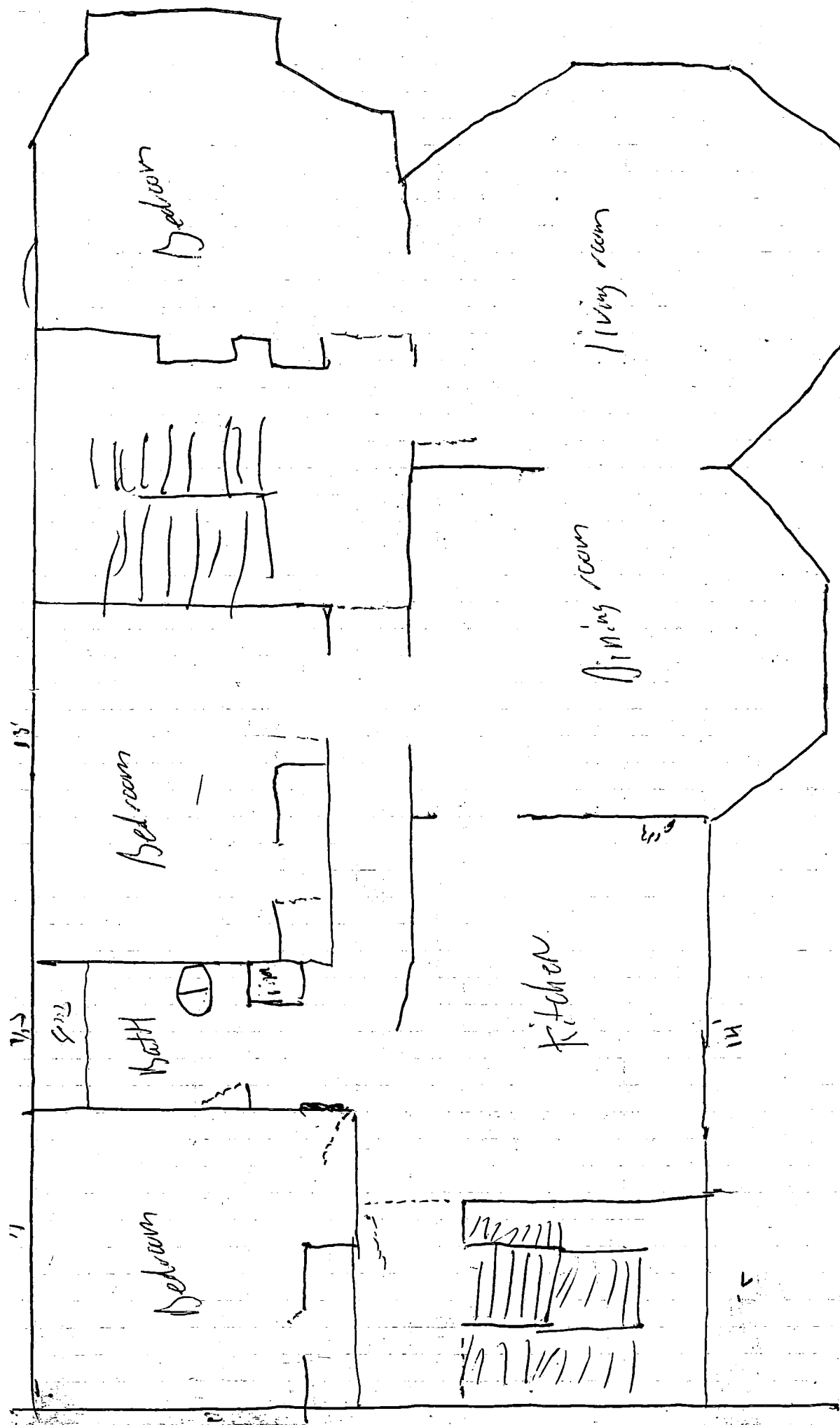
Raw View



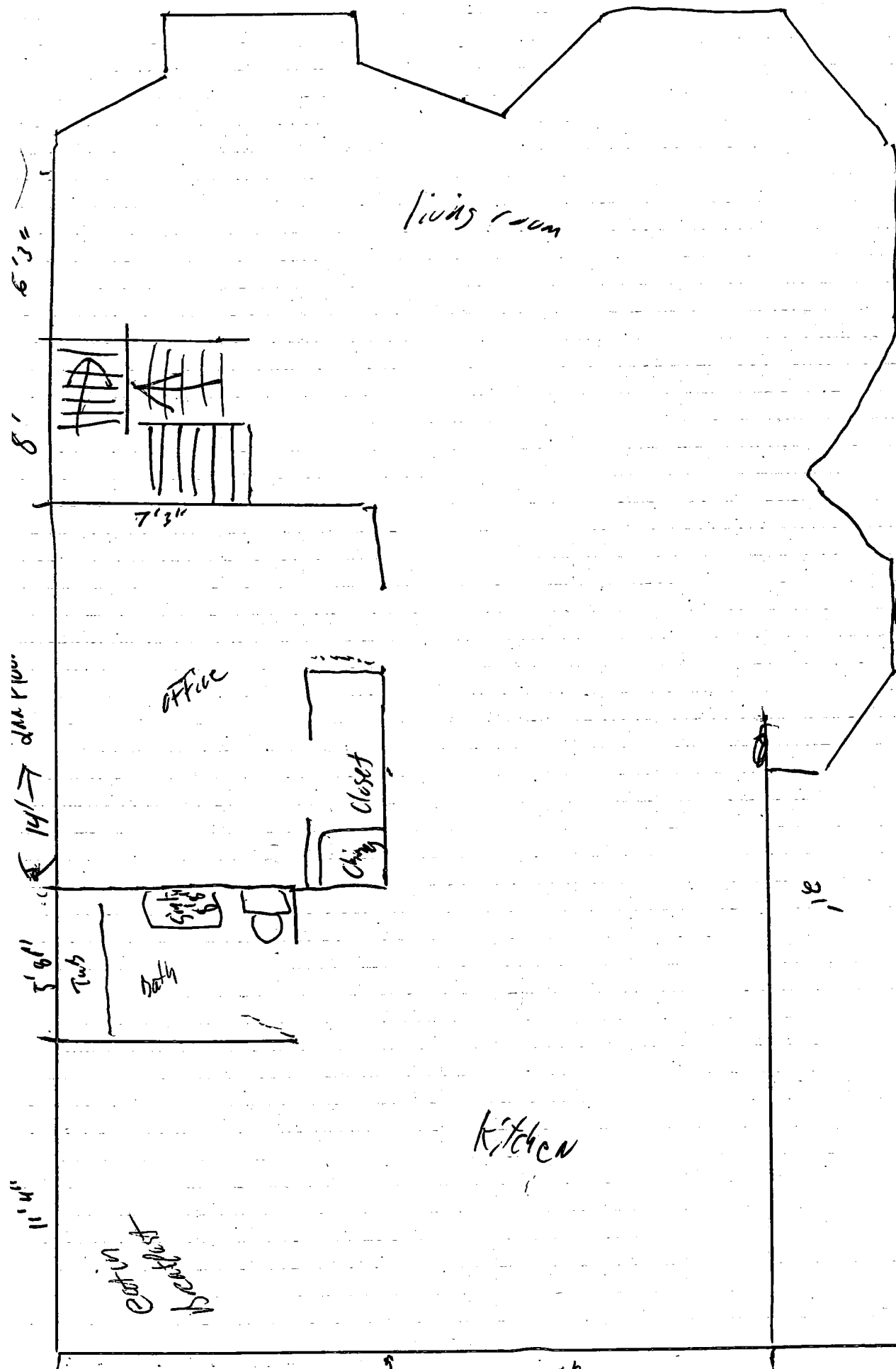
Front



elevation to demonstrate midpoint

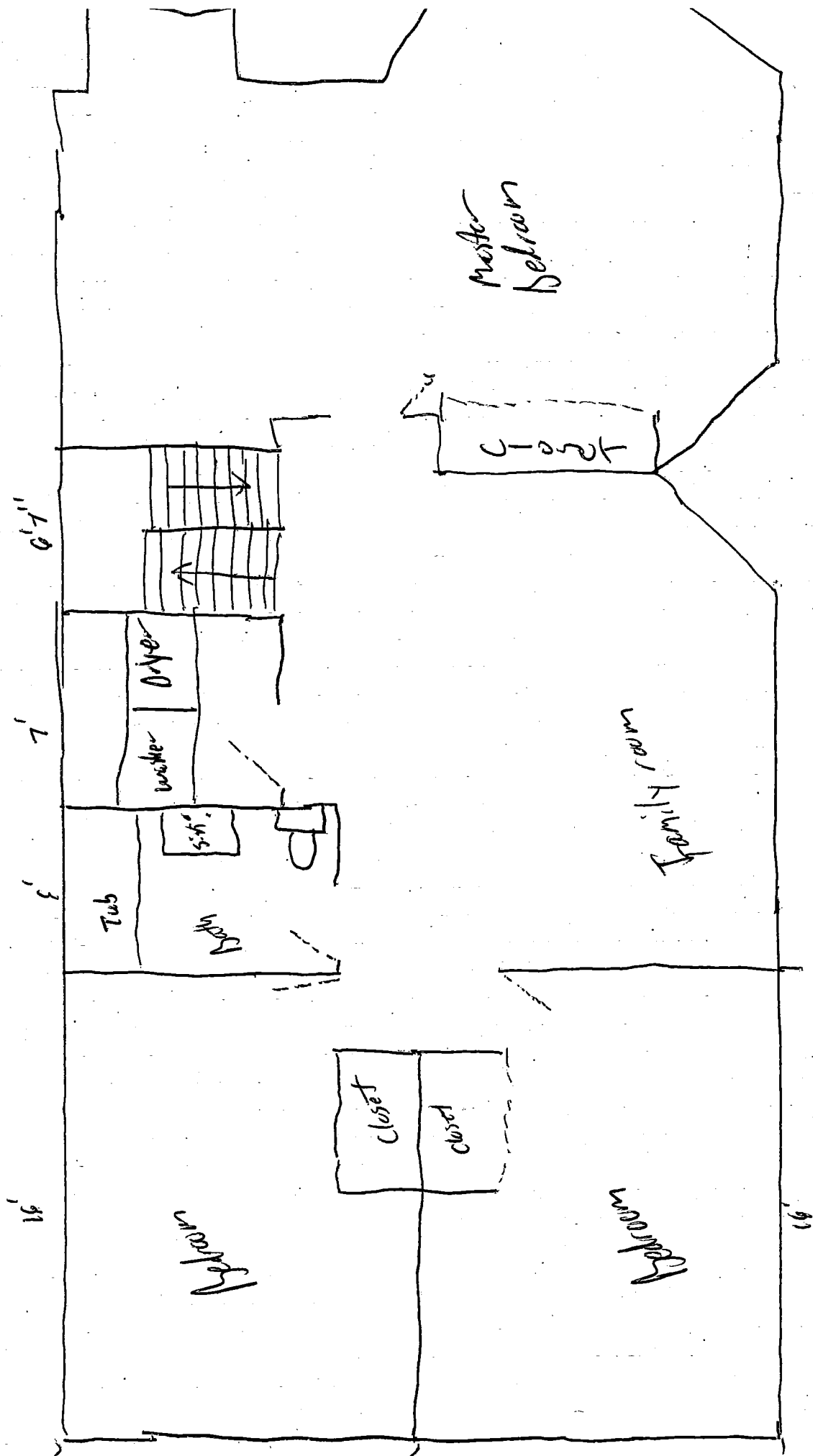


existing and door



Proposed Floor plan 2nd floor

Proposed Floor Plan 2nd Floor



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Rob d Vetrine Anderson
(name of applicant)

to enlarge add two porches
(proposed use)

located at 1800 Englewood Ave
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN | RECORD OWNER | SIGNATURE | DATE |
|-----------------------|-------------------|------------------|--------|
| 1801 ENGLEWOOD | JOE DOOLEY | Joseph J. Dooley | 7-1-09 |
| 1794 Englewood | Kate Hunt | Kate Hunt | 7-1-09 |
| 1800 Englewood | Rob Anderson | Rob Anderson | 7-2-09 |
| 1799 Minnetonka | Tim Olson | Tim Olson | 7-2-09 |
| 750 Fairview Ave | Karen McCauley | Karen McCauley | 7-2-09 |
| 156 FAIRVIEW | DON FRER | Don C. Frer | 7-2-09 |
| 1811 W. MINNEHAHA | DICK KATHY HUSSET | Kathleen Husset | 7/2/09 |
| 1787 Minnetonka Ave W | David Olson | David Olson | 7/2/09 |
| 1805 Englewood | Darron Breje | Darron Breje | 7/6/09 |
| 1788 Englewood | Curt Burroughs | Curt Burroughs | 7/6/09 |
| 1800 Englewood | Jim L. Echols | Jim L. Echols | 7/8/09 |
| 744 Fairview Ave | Floyd Johnson | Floyd Johnson | 7/8/09 |
| 1808 Englewood | Rayan Nanista | Rayan Nanista | 7/8/09 |

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

7.9.09

This is to certify that my name, previously Karen Elise Meyers, which is the name on the deed to 750 Fairview Ave N, Saint Paul, MN, is now Karen Elise Meyers McCauley, due to my marriage name change.

Signed,

Karen E McCauley

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Rob Anderson, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

[Signature]
NAME

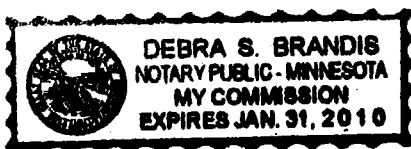
574 Summit Ave St. Paul, Minn
ADDRESS 55102

651-230-5305
TELEPHONE NUMBER

Subscribed and sworn to before me this

9th day of July, 2007.

[Signature]
NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

7/9/09

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED:

7/10/09

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: _____

19

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: _____

13

PARCELS REQUIRED: _____

PARCELS SIGNED: _____

13

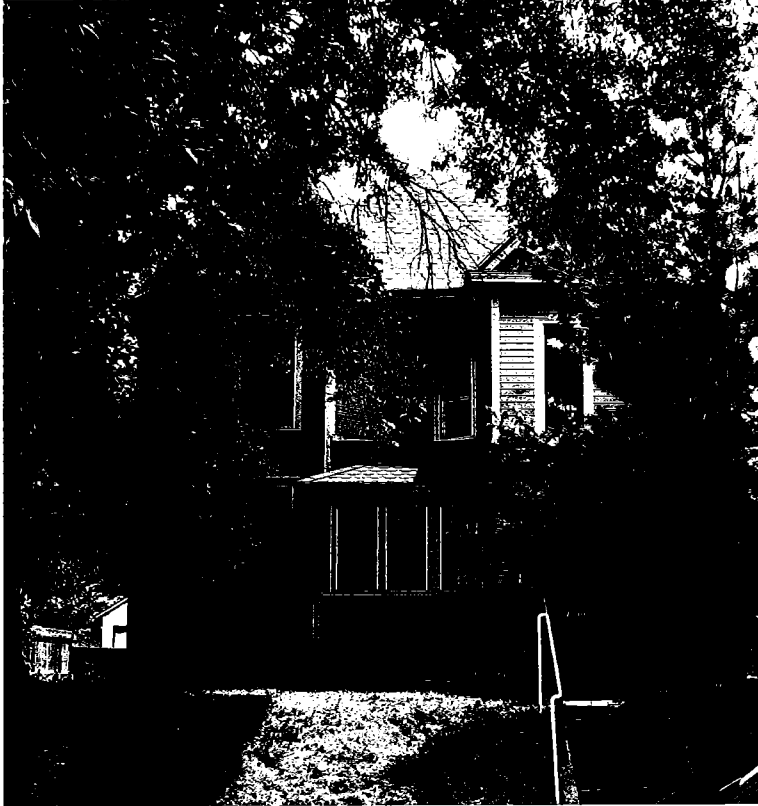
PARCELS SIGNED: _____

CHECKED BY: _____

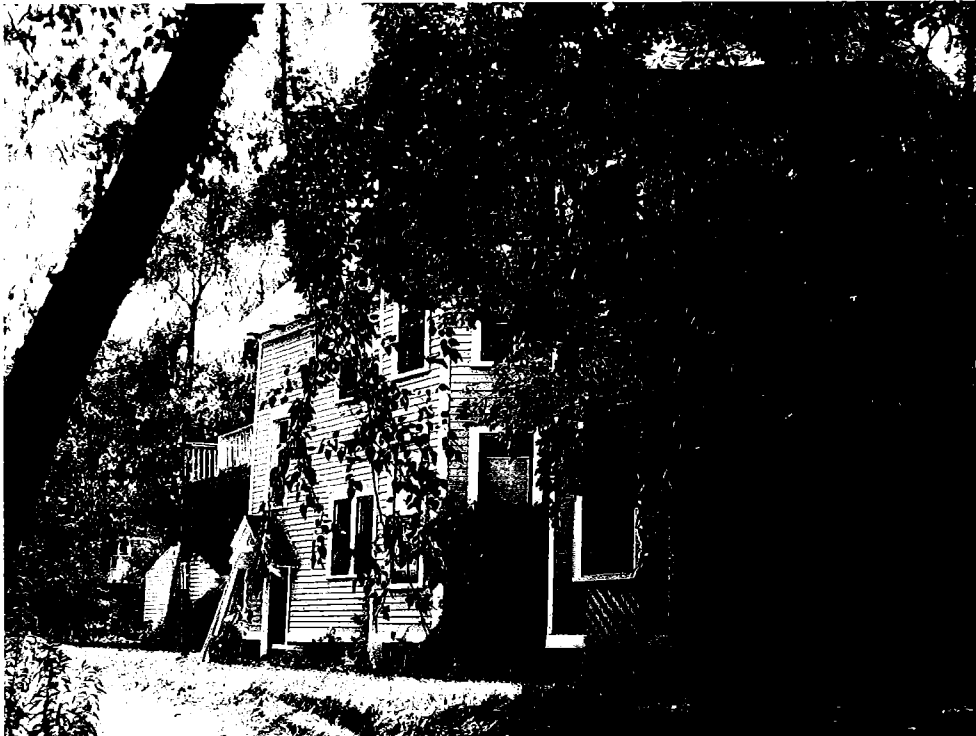
Paul Dubruie L

DATE: _____

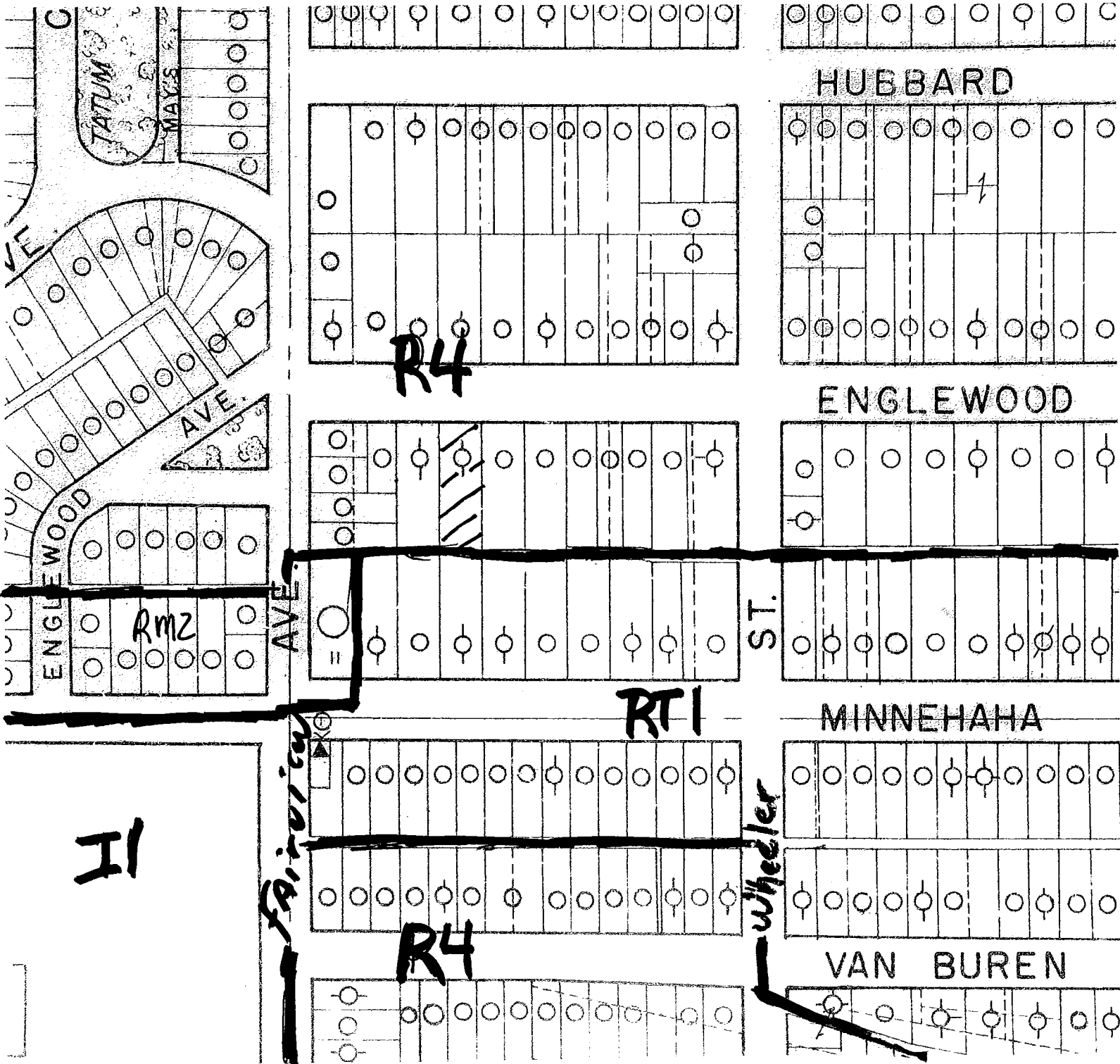
7-10-09



1800 Englewood Avenue







APPLICANT Rob Anderson
 PURPOSE Enlargement of Nonconforming Use
 FILE # 09-198725 DATE 7-13-09
 PLNG. DIST. 11 MAP # 10

LEGEND

zoning district boundary

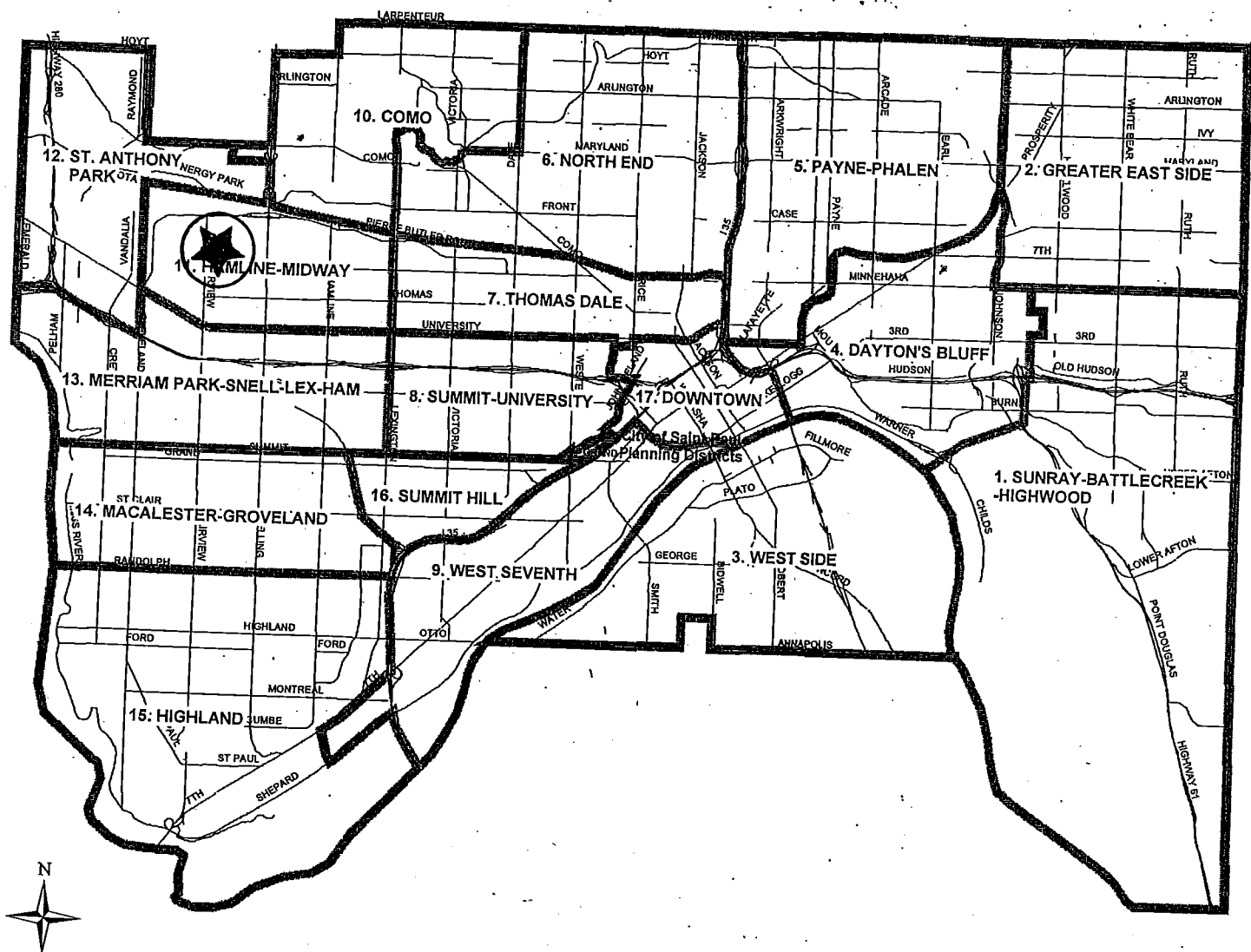
subject property

one family
 two family
 multiple family

commercial
 industrial
 V vacant



CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

09-198725